

**Public Opinion Hits High Spots****EXTENSION OF REMARKS  
OF****HON. GEORGE H. BENDER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1954

Mr. BENDER. Mr. Speaker, country editors, like their city brothers, try to keep their fingers on the pulse of the Nation. Their views make news when they are collected, digested, and published. During the past week, a survey of a cross section of the Nation's country editors points to a most interesting series of opinions.

On their list of the most important questions before Congress, the big five were:

First. Balance the budget.

Second. Reduce taxes after balancing the budget.

Third. Work out a satisfactory farm program.

Fourth. Cut Government spending and waste.

Fifth. Strengthen the Nation's defenses.

These conclusions point to the emphasis on domestic problems with a de-emphasis upon the major issues of foreign affairs. Big city editors devote a great deal of their attention to problems in the field of foreign aid, the European Defense Community, NATO, the United Nations, and our foreign policy. Significant reaction to this difference of viewpoint came in response to questions dealing with the proposal to share our atomic knowledge with our allies. Many a country editor replied, "How can we be

sure who our allies will be tomorrow morning?"

Congress will take a good look at these opinions. They are worth remembering.

**Korean Free Enterprise Plan Should be Studied****EXTENSION OF REMARKS**

OF

**HON. PAUL W. SHAFER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1954

Mr. SHAFER. Mr. Speaker, the sum of more than \$600 million, almost wholly derived from the taxpayers of the United States, is about to be expended for the relief and rehabilitation of the Republic of Korea.

I am reliably informed that except for relief expenditures, this vast sum will be used to consolidate the existing monopolistic government ownership of industry and commerce in Korea, and that there are no funds provided for the use and development of private industry.

I have introduced House Concurrent Resolution 219 which is aimed to bring present and future Korean expenditures into line with the basic principles of private enterprise upon which America has been built.

The resolution follows:

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of the House and Senate that the unexpended funds, together with all future funds appropriated for rehabilitation of the national economy of the Republic of Korea, be so expended as to create in said Republic a*

national economy based upon rights of private property and free, competitive enterprise; and that no further funds from said appropriations be directly or indirectly expended, to continue the present socialized status and the monopolistic, government ownership of Korean industries.

**Make Our Highways Safe****EXTENSION OF REMARKS**

OF

**HON. ABRAHAM J. MULTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1954

Mr. MULTER. Mr. Speaker, I am introducing a bill to allow States to require that out-of-State motor vehicles and the operators of such vehicles comply with certain minimum requirements relating to inspections and insurance while within their borders.

If this proposal is enacted, the Congress would consent to legislation being enacted by any State which would penalize, prohibit, or discourage operation within its borders of any motor vehicle owned by a person residing in another State who has not complied with that State's minimum requirements as to insurance, inspection, and safe maintenance requirements. This is to apply to temporary operation within or through the State. It does not affect a State's requirements as to residents' licenses, nor does it attempt to regulate interstate commerce or license fees in connection therewith.

It is believed this legislation would greatly decrease traffic accidents and provide greater safety on highways throughout the Nation.

**SENATE**

TUESDAY, MARCH 23, 1954

(Legislative day of Monday, March 1, 1954)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Thou great companion of our souls, grant unto us, O Lord, the spirit of understanding, of discernment, and of fair dealing. As those who here represent the people of the Nation give their minds and hearts to the needs of the Commonwealth, save them from prejudices, from half truths, and from all attitudes colored by the clamor of the few. May their actions and decisions be determined by the sense of divine destiny as our Republic now plays its part as the prepared instrument of Thy providence in all the earth. If in the discharge of public duty men speak well of us, may we not be puffed up; if they speak slightly of us, may we not be cast down, remembering the words of the Master who bade us rejoice when

men speak evil of us and to tremble when all men speak well, thus declaring to all that we care more for the approval of God and conscience than for the applause of men. We ask it in that Name that is above every name. Amen.

**THE JOURNAL**

On request of Mr. SALTONSTALL, and by unanimous consent, the reading of the Journal of the proceedings of Monday, March 22, 1954, was dispensed with.

**MESSAGE FROM THE PRESIDENT**

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

**MESSAGE FROM THE HOUSE**

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8097. An act to authorize the financing of a program of public works construc-

tion for the District of Columbia, and for other purposes; and

H. R. 8300. An act to revise the internal revenue laws of the United States.

**LEAVE OF ABSENCE**

On request of Mr. SALTONSTALL, and by unanimous consent, Mr. KNOWLAND was excused from attendance on the session of the Senate today, because of illness in his family.

**CALL OF THE ROLL**

Mr. SALTONSTALL. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. SALTONSTALL. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

**ORDER FOR TRANSACTION OF  
ROUTINE BUSINESS**

Mr. SALTONSTALL. Mr. President, I ask unanimous consent that there may

now be the customary morning hour for the transaction of routine business, under the usual 2-minute limitation on speeches.

The VICE PRESIDENT. Without objection, it is so ordered.

#### EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

##### ADVANCE PAYMENTS OF CERTAIN PAY AND ALLOWANCES OF MEMBERS OF UNIFORMED SERVICES

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 201 (e) of the Career Compensation Act of 1949, as amended, to provide for advance payments of certain pay and allowances of members of the uniformed services, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

##### PROHIBITION OF TRANSPORTATION OF GAMBLING DEVICES IN INTERSTATE AND FOREIGN COMMERCE

A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 3 of the act of January 2, 1951, prohibiting the transportation of gambling devices in interstate and foreign commerce (with an accompanying paper); to the Committee on Interstate and Foreign Commerce.

#### PETITIONS

The VICE PRESIDENT laid before the Senate a telegram and letters in the nature of petitions from Victor Rodriguez Benitez, president, College of Quimicos of San Juan, and teachers and schoolchildren of San Sebastian, all in Puerto Rico, condemning the action of certain persons in attempting to assassinate Members of the House of Representatives, which were referred to the Committee on the Judiciary.

#### INDEMNITIES FOR CATTLE CONDEMNED BECAUSE OF BRUCELLOSIS—LETTER AND RESOLUTION

Mr. THYE. Mr. President, I am in receipt of a letter from the State of Minnesota Dairy Products and Livestock Commission, St. Paul, Minn., signed by John M. Zwach, chairman, enclosing a resolution adopted by that organization, relating to Federal participation in the payment of indemnities for cattle condemned on account of brucellosis. I ask unanimous consent that the letter and resolution be appropriately referred, and printed in the RECORD.

There being no objection, the letter and resolution were referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

STATE OF MINNESOTA,  
DAIRY PRODUCTS AND  
LIVESTOCK COMMISSION,  
St. Paul, Minn., March 17, 1954.

HON. EDWARD J. THYE,  
Senator From Minnesota,  
Senate Office Building,  
Washington, D. C.

DEAR SENATOR THYE: I am enclosing herewith a resolution which was adopted by the

Dairy Products and Livestock Commission at its meeting held on March 5, 1954, which is self-explanatory.

We urge that you kindly give this your careful consideration to the end that the necessary money will be appropriated for the purposes set forth.

Thanking you, I am,  
Sincerely,

JOHN M. ZWACH,  
Chairman.

Whereas the United States of America is now recognized the world over as the safest Nation, insofar as disease is concerned, in which to raise livestock; and

Whereas this condition has been brought about through recognition by the National Government, that disease control is a nationwide problem, and that the multibillion dollar livestock economy of this country is based on the movement of livestock, making it impossible for a single State or a group of States to eradicate a disease while it is permitted to exist and spread in neighboring States or areas; and

Whereas the Federal Government, through the United States Department of Agriculture, has for many years cooperated with the livestock sanitary agencies of all the States in the control and eradication of diseases of domestic animals, and has participated with the States in the payment of the costs thereof including the payment of indemnity for animals ordered destroyed in order to eradicate or check the spread of such disease; and

Whereas the United States Department of Agriculture has established and maintained a force of veterinarians, technicians, and office personnel under the direction of a veterinarian in charge of all States to further such cooperation; and

Whereas the Federal Government entered into contracts or agreements entitled "Memoranda of Understanding" with the several States relative to such cooperation for the eradication of tuberculosis from cattle in 1917, and for the eradication of brucellosis from cattle in 1934, both of which agreements were revised and brought up to date in 1950 and 1951; and

Whereas both original and revised forms of such agreements provide the Federal Government shall, in addition to other activities, participate with the several States in the payment of indemnity for cattle condemned and slaughtered for the disease above referred to; and

Whereas the rules and regulations of the United States Department of Agriculture have provided the Federal Government will share with the States on an equal basis in the payment of said indemnity when such cattle are appraised and slaughtered in accordance with the regulations of the United States Department of Agriculture, provided such payments do not exceed the maximum established by said rules of \$25 for each grade animal, and \$50 for each purebred; and

Whereas the legislatures in most of the States, including Minnesota, convened in biennial session in 1953, and appropriated funds in accordance with budgets submitted, for the biennium ending in 1955, in the firm belief this long-established practice based on written contract between the Federal Government and the several States would be continued, as no notice of intention to cancel said contract had at that time been received; and

Whereas the United States Department of Agriculture, after most of the 1953 sessions of State legislatures had adjourned, amended their regulations to reduce the maximum Federal payments for animals condemned for brucellosis, after September 23, 1953, to a maximum of \$9 for grade females and \$18 for purebreds; and

Whereas the Chief of the Livestock Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture, now announces that no Federal funds are available for allotment to this State for the present fiscal year, although the money previously allotted is now exhausted, even with the reduced payment which became effective on September 23, 1953; and

Whereas although vast sums of money have been and are being expended in the purchase of healthy cattle for drought relief, the Secretary of Agriculture has announced his intention of discontinuing payments for animals condemned for disease as an economy measure, and has failed to include any request in his budget for 1954-55 for the comparatively modest sum to pay such indemnities; and

Whereas any program for eradication of a well-established disease of domestic animals involves years of education and preparation of owners of livestock involving expenditure of much time and money, and when once embarked upon, such programs must be carried through to completion if the funds already expended are not to be largely wasted; and

Whereas it is the considered opinion of this commission that if Federal participation in payment of indemnities is discontinued, such action will cause severe and perhaps irreparable loss to the livestock industry of the United States by delaying, discouraging and in some cases completely disrupting programs now in progress for the eradication of brucellosis, the most devastating disease of cattle now existing in the United States, and which disease is transmissible to man, and in recent years has become a major public-health problem; and

Whereas this commission considers such action by the Secretary of Agriculture without fair and sufficient notice to the several States to be in direct violation of the spirit and wording of the memorandum of understanding entered into with the State of Minnesota; Therefore be it

*Resolved by the Legislative Interim Commission on Dairy Products and Livestock in regular session assembled,* That said commission believes it is imperative for the welfare of the livestock industry of the State of Minnesota, that participation by the Federal Government with the several States in the control of the diseases of domestic animals including the sharing in the payments of indemnity on the same basis as has been followed for many years past, be continued; and be it further

*Resolved,* That said commission urges the President of the United States, the Honorable Secretary of Agriculture, and all Members of Congress from Minnesota to immediately take such steps as may be required to assure the appropriation of sufficient funds for such purposes, including the payment of indemnity for cattle condemned and slaughtered for tuberculosis and brucellosis; and be it further

*Resolved,* That said commission urges in addition thereto, an immediate appropriation by Congress to the United States Department of Agriculture for the present fiscal year ending June 30, 1954, and an immediate revocation of the amendment to the rules and regulations to BAI Order 375 which became effective September 23, 1953, thus enabling the United States Department of Agriculture to resume participation in the payment of indemnities for cattle condemned on account of brucellosis on an equal basis with the several States; and be it further

*Resolved,* That copies of this resolution be sent to the President of the United States, the Secretary of the United States Department of Agriculture, and each Representative



and Senator in Congress from the State of Minnesota.

Senator David M. Carey; Senator Arthur Gillen; Senator A. R. Johanson; Senator Henry Mattson; Senator John M. Zwach, Chairman; Representative George Daley, Vice Chairman; Representative Alvin O. Hofstad, Secretary; Representative Roy C. Jensen; Representative Joe P. Lorentz; Representative August B. Mueller, Members of Dairy Products and Livestock Commission.

# INTERNATIONAL EDUCATIONAL EXCHANGE ACTIVITIES—LETTER FROM MINNEAPOLIS (MINN.) COUNCIL OF CHURCHWOMEN

Mr. THYE. Mr. President, I am in receipt of a letter from Mrs. R. D. Stanberry, president, Mrs. Ray Archer, chairman, Christian world relations, and Mrs. Walter U. Hauser, chairman, foreign students activities, of the Minneapolis Council of Churchwomen, enclosing a list of effects of the House cut on the 1955 appropriation for international educational exchange activities. I think the letter and list are of sufficient importance to be printed in the RECORD and appropriately referred, and I ask unanimous consent that that be done.

There being no objection, the letter and list were referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

## MINNEAPOLIS COUNCIL OF CHURCHWOMEN,

Minneapolis, Minn., March 17, 1954.

The Honorable EDWARD J. THYE,  
Senate Office Building,  
Washington, D. C.

MY DEAR SENATOR THYE: We are much concerned about the unbelievable cut of \$6 million which the House of Representatives made in the proposed \$15 million budget for the State Department's international exchange activities.

You must be aware of the irreparable damage done to a very necessary program by such curtailment. In this critical time of powerful global propaganda coming out of the East, the exchange of students and visitors could be one of our country's first lines of defense. The program could well be expanded far beyond its present limits.

Enclosed are listed some of the effects of the cut voted by the House. We urge you to restore the \$6 million to the appropriations.

Mrs. R. D. STANBERRY,  
President.

Mrs. RAY ARCHER,  
Christian World Relations Chairman.  
Mrs. WALTER U. HAUSER,  
Foreign Students' Activities Chairman.

## LIST OF EFFECTS OF HOUSE CUT ON 1955 APPROPRIATION BILL FOR INTERNATIONAL EDUCATIONAL EXCHANGE ACTIVITIES

1. The total leader program would be eliminated in all 61 countries with which the United States Government now has such a program.

2. The total foreign-specialist program would be eliminated in all countries with which the United States Government now has such a program.

3. The total United States specialist program would be eliminated in all countries with which the United States Government now has such a program.

4. The United States Government educational exchange program would be completely eliminated in 46 countries.

5. The usable number of foreign-currency grants in the 21 countries stipulated would be reduced by approximately 500.

6. The dollar appropriation is insufficient to provide for any joint dollar foreign-currency grants for foreign nationals.

7. No administrative money is provided for carrying out the Finnish program (Public Law 265).

8. The entire teacher-education program would be eliminated.

9. The educational exchange provisions of the Buenos Aires Convention cannot be carried out.

10. No money is provided for liquidation of obligations incurred in connection with the foreign leader and specialist grants awarded during 1954 but not completed until fiscal 1955.

11. No money is provided for liquidation of obligations incurred in connection with the student grants awarded during 1954 but not completed until fiscal 1955.

12. No money is provided for liquidation of obligations incurred in connection with professional grants awarded during 1954 but not completed until fiscal 1955.

13. The entire overseas personnel working on educational exchange would be eliminated.

14. No money is provided for liquidation expenses in connection with the elimination of overseas staff.

15. No money is provided for liquidation expenses in connection with the elimination of a large portion of the Washington staff.

16. No money is provided for grants-in-aid for American-sponsored schools in Latin America.

17. No provision is made for staff to give stateside assistance to private organizations conducting voluntary educational exchange programs.

18. No provision is made for staff to give overseas assistance to private organizations conducting voluntary educational exchange programs.

19. No provisions are made for the required staff to issue exchange-visitor visa designations to private organizations conducting programs under the provisions of the Smith-Mundt Act.

20. No money is provided for continuing American reception centers.

21. No money is provided for operating the Washington International Center which provides orientation for incoming foreign leaders.

22. No money is provided for the continuation of the American Language Center.

23. No money is provided for the Clearing House which is a source of information on all Government exchange of persons programs. (This does not refer to the IIE Central Index but to a clearing house organized independently by government.)

24. The major portion of the funds appropriated for the exchange of persons program is paid to Americans or spent in the United States. The House action would cut out about 80 percent of the funds which would be spent in the United States.

25. All programs would be eliminated in Latin America.

26. Orientation programs for foreign students would be eliminated.

27. No money would be provided for IES to continue servicing interagency coordination activities including XPC (Inter-Agency Committee on Training Programs and Exchange of Persons).

28. The total elimination of programs with so many countries would have the drastic effect of breaking off favorable and effective relationships which have been slowly built up over a period of years.

## AMENDMENT OF NATURAL GAS ACT—RESOLUTION OF VILLAGE COUNCIL OF NEW RICHLAND, MINN.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a resolution adopted by the Village Council of New Richland, Minn., in support of my bill, S. 2971, to amend the Natural Gas Act, be printed in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed in the RECORD, as follows:

## RESOLUTION URGING THE PASSAGE OF S. 2971, A BILL TO AMEND SECTION 4 (E) OF THE NATURAL GAS ACT (15 U. S. C. 717c)

Whereas the Village Council of the Village of New Richland, Minn., considers the practice followed by some natural gas pipeline companies of gaining automatic rate increases through the filing of successive new applications for higher rates with the Federal Power Commission, before determination has been reached by said Commission on pending applications, as now permitted under the Natural Gas Act, to be unjust and unfair to the consumers of natural gas; and

Whereas a bill (S. 2971) to amend section 4 (e) of the Natural Gas Act has been introduced in the Senate of the United States, which bill is designed to restrict objectionable practices followed by some natural gas pipeline companies, as aforesaid; and

Whereas the village council considers said bill affords a measure of protection to the gas consuming public and that the passage of said bill would be in the best interests of gas users: Now, therefore, be it

Resolved, that the Village Council of the Village of New Richland shall and does hereby go on record as being in favor of the passage of said bill by the Congress of the United States; be it further

Resolved, That the village clerk of the Village of New Richland shall and he hereby is authorized and directed to send a copy of this resolution to Senator EDWARD J. THYE, Senator HUBERT H. HUMPHREY, and Congressman AUGUST H. ANDRESEN.

FRED S. JENSEN,

Mayor of the Village of New Richland, Minn.

Attest:

GERHARD STRENCE,

Village Clerk of the Village of New Richland, Minn.

## THE SOCIAL SECURITY SYSTEM—RESOLUTION APPROVED BY EXECUTIVE COUNCIL, MINNESOTA STATE FEDERATION OF LABOR

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a resolution approved by the executive council of the Minnesota State Federation of Labor, dealing with the social security system, be printed in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Whereas statements have been made by certain Members of Congress that they intend to introduce legislation designed to roll back retroactively, the social security tax rate of 2 percent and to freeze it at the former level of 1½ percent; and

Whereas strong political and business pressures are building up behind this move and an organized campaign is under way to sell the freeze proposal to the American public by misrepresenting it as a tax savings for workers; and

Whereas any freeze or reduction of the social security tax rate would seriously place in jeopardy the solvency of the trust funds from which future generations of retired American workers will draw old-age benefits and destroy the solid financial foundation upon which the social-security program was founded and weaken the concept of what a sound national welfare program for all the people should strive to accomplish; and

Whereas any reduction in the social security tax rate, rather than being negligible so-called saving or tax reduction to the American people, is equivalent to reducing a life insurance premium to the extent that payment of the policy itself is placed in jeopardy by an unsound rate structure, thereby performing a gross disservice to all workers under the guise of cheaper rates: Now, therefore, be it

*Resolved*, That St. Paul Typographical Union, No. 30 in regular monthly meeting assembled this 7th day of February 1954, does hereby go on record, both as a collective group and by individual signatures to this resolution, as being strongly opposed to any reduction in the present 2 percent social security tax rate under the guise of any savings to the American people, believing such rate necessary to maintain the soundness and the solvency of a good social-security program; and be it further

*Resolved*, That copies of this resolution be sent to all our Minnesota Representatives and Senators in Congress, that it be published in the Minnesota Union Advocate and the International Typographical Journal, and that copies hereof be sent to the Minnesota Federation of Typographical Unions, to the Minnesota State Federation of Labor, and to the American Federation of Labor for their information.

#### CURTAILMENT OF CERTAIN MANUFACTURES AT TWIN CITIES ARSENAL—RESOLUTION

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a resolution adopted by the Ramsey County Central Committee, composed of the 39 American Legion posts in Ramsey County, opposing the discontinuance or curtailment of the manufacture of munitions and other defense material at the Twin Cities Arsenal, be printed in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on Armed Services and ordered to be printed in the RECORD, as follows:

Whereas the United States Government has invested millions of dollars of taxpayers' money in the purchase of vast areas of land, the construction and equipping of large defense plants thereon, known as the Twin Cities Arsenal, near New Brighton, Minn., for the purpose of manufacturing munitions and other material necessary in order to provide for the common defense of this Nation; and

Whereas said defense plant has for the past several years been a major source of employment for thousands of efficient, skilled, and competent Minnesota residents, including a large number of disabled veterans of World Wars I and II and also the Korean war; and

Whereas it now appears that the Defense Department of the United States Government is in the process of arranging or has arranged for the manufacture of similar defense material in other areas of the United States and in foreign countries; and in the

furtherance thereof has canceled or reduced various contracts for the manufacture of defense material at the Twin Cities Arsenal and as a result thereof approximately 3,000 workers, including numerous disabled veterans of World Wars I and II and the Korean war, have been laid off from work and many more are expecting to be laid off and thereby deprived of their means of a livelihood: Therefore be it

*Resolved*, That the Ramsey County Central Committee of the Fourth District of the Minnesota Department of the American Legion, at a regular meeting convened on February 24, 1954, go on record as being opposed to the discontinuance or curtailment of the manufacture of munitions and other defense material at the Twin Cities Arsenal.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POTTER:

S. 3163. A bill for the relief of Myung Sik Hong; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 3164. A bill for the relief of Rosario Estevez de Aponte (nee Frias), otherwise known as Rosario Estevez Aponte; to the Committee on the Judiciary.

By Mr. GREEN:

S. 3165. A bill for the relief of Selma Rivlin; to the Committee on the Judiciary.

By Mr. DWORSHAK:

S. 3166. A bill for the relief of the city of Sandpoint, Idaho; to the Committee on the Judiciary.

By Mr. CASE:

S. 3167. A bill for the relief of Community Bailey Hospital; to the Committee on the Judiciary.

By Mr. CLEMENTS (for himself and Mr. ROBERTSON):

S. 3168. A bill granting the consent and approval of Congress to an interstate compact relating to the creation, development, and operation by the States of Kentucky and Virginia of a park to be known as the Breaks Interstate Park; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 3169. A bill to continue temporarily existing 90 percent of parity price supports for milk and butterfat; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

#### TEMPORARY PARITY PRICE SUPPORTS FOR MILK AND BUTTERFAT

Mr. HUMPHREY. Mr. President, I introduce for appropriate reference a bill to continue temporarily existing 90 percent of parity price supports for milk and butterfat. I ask unanimous consent that the bill, together with a statement by me, be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 3169) to continue temporarily existing 90 percent of parity price supports for milk and butterfat, introduced by Mr. HUMPHREY, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.*, That the Congress hereby expresses the policy that preservation of dairy farmers' income is of direct impor-

tance to the entire economy. Price supports for dairy products have been placed at 90 percent of parity for each of the past 2 years; such supports have prevented disastrous drops in dairy-farm income. Now in a period of falling consumer demand the Secretary of Agriculture has indicated his plan to lower these supports from 90 percent to 75 percent of parity, effective April 1, 1954. Congress has before it many bills which when enacted would prevent this reduction from going into effect; the Agriculture Committees of both Houses are engaged in hearings at this time concerning future farm price-support legislation, including dairy price supports; if comprehensive well-rounded attention is given to this entire matter, the final law cannot be enacted until after the dairy price-support cuts go into effect on April 1, 1954. The Congress therefore finds that the present level of dairy supports should be extended until such time as Congress can act upon long term legislation.

Sec. 2. Section 201 (c) of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof the following new sentence: "Effective April 1, 1954, through July 31, 1954, the prices of such commodities shall be supported by the means specified at a level of 90 percent of the parity price."

The statement by Mr. HUMPHREY is as follows:

#### STATEMENT BY SENATOR HUMPHREY

Time is running out on the opportunity of the Congress to avert a drastic blow to America's dairy industry.

Only 7 legislative days remain to act before April 1.

The bill I have introduced would at least be a temporary stopgap to hold in abeyance Secretary Benson's proposed order until this Congress has had time to act in an orderly manner on farm legislation.

The bill merely provides that dairy price supports shall be continued at the 90-percent level now existing from April 1 through July 31, holding in abeyance for 4 months any change in support levels. The aim of this measure is to give our agricultural committees time to come up with a realistic farm bill squarely facing the issues involved, rather than just let this slash take place at the whim of the Secretary of Agriculture.

I regret the necessity to resort to such a last-ditch effort. I would prefer a better answer for our dairyman, than this stopgap measure. But it does appear to be necessary, for the sake of America's dairy industry, to at least hold off Secretary Benson's action until something better can be devised.

The bill I propose does not commit the Congress one way or another on future support levels. It merely assures the Congress itself in having a voice in the final decision as far as dairy products are concerned, instead of leaving it entirely to Secretary Benson.

I believe this is a fair compromise which all reasonable people will accept as being in the best interest of our economy, and the best interest of orderly development of sound farm legislation.

I appeal to the Senate's majority leadership to give it priority consideration. I appeal for the Senate Agriculture Committee to approve this means of protecting its own right to a voice in what should be done about dairy price supports. I know the tremendous workload now upon the Senate Agriculture Committee. I greatly appreciate the integrity and fairness of the distinguished Senator from Vermont [Mr. Aiken]. I urge him to throw his support behind this temporary extension, limited to the period the Congress is expected to be in session, so that his committee will have time to conclude its studies and recommend a program to the Congress that will include proper utilization of dairy products rather than just cutting prices to producers.



I know many other Members of this body are just as concerned as I am over the adverse effects this dairy slash can and will have on our economy. I know some who hold differing views than my own on what the permanent level of price supports should be have expressed concern over the extent of the cut in dairy supports, and the fact that it is being done while Congress is still considering dairy and other farm legislation. I invite them to join me in support of this bill.

This bill does what I asked Secretary Benson to do voluntarily last January—defers any changes until Congress has completed its hearings and arrived at some decisions.

Is not that a fair and reasonable request?

Ever since Secretary Benson announced his intention to cut dairy support levels regardless of the fact Congress has other proposals under consideration, I have tried every way I know how to prevent this drastic blow from taking place. I have felt sincerely that the economic interests of my State required me to extend such efforts to the best of my ability.

I have joined my Minnesota colleague in cosponsoring S. 2962, providing that dairy support should not be cut more than 5 percent per year, and in no event should be cut below the level of support for basic commodities. When it appeared that bill would not be reported out of committee in time for action by April 1, I proposed the same language as an amendment to the administration's wool bill then scheduled for action in the Senate. Yesterday I called for a chance to vote on that bill.

Since there are indications it is being sidetracked to avoid any showdown now on price supports, however, I am now proposing this stopgap bill as a last-ditch effort to delay for at least 4 months the proposed dairy support slash in the belief it is a fair compromise that should be acceptable to this body.

#### EXTENSION OF OLD-AGE AND SURVIVORS INSURANCE SYSTEM—AMENDMENT

Mr. MURRAY submitted an amendment, intended to be proposed by him to the bill (S. 2260) to extend and improve the old-age and survivors insurance system, to provide permanent and total disability insurance and rehabilitation benefits, and for other purposes, which was referred to the Committee on Finance, and ordered to be printed.

#### REDUCTION OF EXCISE TAXES—AMENDMENTS

Mr. JOHNSON of Colorado submitted amendments, intended to be proposed by him to the bill (H. R. 8224) to reduce excise taxes, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. DOUGLAS. Mr. President, I submit three amendments intended to be proposed by me to the pending excise tax bill (H. R. 8224) to reduce excise taxes and for other purposes, and ask that they lie on the desk today in order that Senators who wish to join me in proposing the amendments may add their names as cosponsors.

In brief, these amendments would do three things. First, they would permit the scheduled cut in excise taxes on automobiles to go into effect on the first of April. This would cut the rate from 10 to 7 percent, and should save a person about \$50 in buying a new car.

Second, they would eliminate the 10 percent tax on household appliances such as refrigerators, ranges, ironers, dryers, toasters, and so forth. This should save about \$25 on the price of a new refrigerator, range, or clothes dryer, and proportionate amounts on other appliances.

Third, the 10 percent tax on radios, television sets, and phonographs, would be reduced to 5 percent.

I think these reductions are badly needed for two purposes. In the first place, they would give relief to sections of the community which are left out in the excise tax reductions proposed by the House and approved by the Senate committee. I do not oppose reductions in excise taxes on expensive furs and jewelry, but it does not seem to me that the women of the country need cheaper mink coats as much as they need cheaper ironers, dishwashers, and so forth. We should give at least the same break to those who wear cloth coats as to those who wear minks and sables.

Second, these amendments would release monetary purchasing power which is needed to help get us out of the current retraction or recession, and would help the specific industries which have been most severely hit, namely, automobiles and durable consumer goods.

I hope these amendments may be carefully considered by the Senate and by the country, and that a number of other Senators may be willing to join me in proposing them.

The VICE PRESIDENT. The amendments will be received and printed, and will lie on the table.

Subsequently,

The names of the following Senators were added as cosponsors of the amendments submitted by Mr. DOUGLAS to House bill 8224, supra: Mr. KILGORE, Mr. HUMPHREY, Mr. LENNON, Mr. JACKSON, Mr. BURKE, and Mr. MORSE.

#### HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H. R. 8097. An act to authorize the financing of a program of public works construction for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H. R. 8300. An act to revise the internal revenue laws of the United States; to the Committee on Finance.

#### EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting the nomination of Arthur Larson, of Pennsylvania, to be Under Secretary of Labor, which was referred to the Committee on Labor and Public Welfare.

#### VICTORIES OF PENNSYLVANIA TEAMS IN THE NATIONAL BASKETBALL CHAMPIONSHIP TOURNAMENT

Mr. MARTIN. Mr. President, Pennsylvania's tremendous athletic record

has attained new luster and brilliance for the magnificent accomplishment of two of its colleges who invaded the Middle West and brought home first and third places in the national basketball championship. La Salle College, of Philadelphia, carried on in the finest tradition of our State's heroic athletic history in winning the National Collegiate Athletic Association championship at Kansas City. Pennsylvania State University defeated the best in the West to win third place in this championship event, which matched the regional championship teams from the East, West, and Middle West.

Both these teams deserve the greatest commendation and congratulations for their clean-cut victories, attained with the highest degree of sportsmanship and brilliant play. Since our Pennsylvania teams represented the entire East, we are especially proud. Significantly, it was La Salle which defeated Penn State, with the result that Penn State came out third. Neither team was defeated by a western or midwestern team. La Salle demonstrated to the utmost all the qualities which mark the true champions—the will to win, enormous spirit, high courage, clean fight and, above all, perfect teamplay.

It is interesting to note that the new national championship college produced its team from a student body of 2,400. Penn State, which won third, has a student body of more than 12,000, and defeated a team representing a student body of more than 16,000.

I cannot help but mention, also, the two coaches. Ken Loeffler, of La Salle, is a graduate of Penn State and a Pennsylvanian; and Elmer Gross, the Penn State coach, is also a Penn State graduate and a Pennsylvanian.

Mr. President, the past week-end has been a great one in the history of Pennsylvania athletics.

#### SAMUEL SHELLABARGER

Mr. SMITH of New Jersey. Mr. President, on last Saturday a great American passed away in my State. He was not known in public life, but he was widely known by the many who read his works. I refer to the late Samuel Shellabarger, who was in Washington only last week, when he was a visitor in this Senate.

I have known Dr. Shellabarger intimately for many years. I have seen him rise from a poor, struggling professor, who was compelled at one time to write detective stories for a living, to become one of the greatest writers of historical fiction of our time, in a class with Dumas in France and Sir Walter Scott in Scotland.

Samuel Shellabarger first attained prominence as a result of his great novel, *Captain from Castile*, which dealt with the early history of the Spanish in Mexico. More recently, his *Prince of Foxes* and *Lord Vanity* were best sellers.

In addition to Dr. Shellabarger's ability as a literary star, he was a man of deep spiritual convictions. I have grown with him, and have learned much through his deep sincerity and inspiration.

Mr. President, when a man who has made such a great contribution to his day and age passes on, I feel it is appropriate to pay this loving tribute to him.

I ask unanimous consent to have printed at this point in the body of the *RECORD*, as a part of my remarks, an editorial, which was published in the *New York Times* of March 23.

There being no objection, the editorial was ordered to be printed in the *RECORD*, as follows:

#### SAMUEL SHELLABARGER

"I don't know why people should express surprise at a professor writing a best seller. It seems to me much more amazing that a physician—Dr. Cronin (a very delightful person)—should be a successful novelist. But no one seems surprised at that at all," said Samuel Shellabarger for a newspaper interview at the publication of his second best-seller, *Prince of Foxes*, in 1947. There was the sly wit of an ingenious pose in that remark. Mr. Shellabarger was too keen a man not to recognize that the surprise was justified.

Historical fiction was being beaten by the critics until their arms were weary, and here was an eminent scholar and teacher who not only had turned out one of the most successful historical novels in American publishing history, *Captain from Castile*, but owned up to the fact gladly. For better or worse, literally this is the age of criticism, when much of what is held to be the best in letters is not treated as superior entertainment but as the subject of veneration.

Mr. Shellabarger was one of those who in his fiction stayed out of the central literary currents and saw to it that what he wrote was first of all fun to read. Those critics of the tired arms, who came to read him, stayed to the end. They condemned the author for wooden characters and then gave him all the credit in the world for fine, rousing stories. His massive public audience didn't seem to care about the characterization; it merely knew that Mr. Shellabarger could tell a tale like a Dumas. His death takes a good novelist and a brilliant historical biographer from the American literary scene.

#### FORMATION OF THE AMERICA-ISRAEL SOCIETY

Mr. LEHMAN. Mr. President, recently, I had the pleasure of joining with some forty other Americans, including leaders of the Catholic, Protestant, and Jewish faiths, and leaders in many walks of American life, to form the America-Israel Society. The society is non-political, and will seek to promote fuller understanding between the people of the United States and the people of Israel, through cultural interchange by strengthening the bonds of freedom and democracy.

The people of Israel are well aware of the spiritual foundations of America, as they are also aware of our cultural attainments and of our devotion to education and learning. The new America-Israel Society may, therefore, devote itself, not negatively, to removing false impressions which may exist, but constructively, to facilitating an interchange of cultural concepts between the two peoples.

While the people of Israel admire our cultural achievements, they, of course, have their own rich, deep culture. The culture of Israel is influenced not only by its physical and material environ-

ment, but also by its ancient traditions and its deep sense of the past. It is part of the richness of humanity that threads of many colors have gone into the weaving of the fabric of civilization.

One may say, indeed, that a basic aspect of the concept of freedom is that all peoples should be free to express themselves not only politically but also culturally. On the other hand, totalitarian systems attempt to impose the drabness of uniformity not only upon their own peoples, but upon all peoples.

Israel is not a big state. But bigness and greatness are not necessarily the same. From the tiny area of Greece have come great ideas by which we in this country and millions of others live. In the tiny land of Israel were born Judaism and its great foster children, Christianity and Islamism.

It is good for us, and, if I may say so, it is also good for Israel, that now, through the America-Israel Society, we are about to embark upon a cultural interchange which can be fruitful for both countries. One can hope that from this relationship will spring ideas, concepts, and techniques which will be useful for both our countries.

In these days, when the light of freedom and the grace of God and the benefits of culture have disappeared from large parts of the world, we may hope that Americans of all faiths will support the activities of the America-Israel Society.

#### SALE OF TVA POWER

Mr. KEFAUVER. Mr. President, the *Memphis (Tenn.) Commercial Appeal*, of March 21, 1954, carried a very thoughtful editorial pointing out the disastrous results which certain legislative amendments would have upon the operations of the TVA. The House appropriations subcommittee is reportedly recommending that such amendments be placed in the appropriation bill.

I ask unanimous consent that the editorial from this great newspaper be printed in the body of the *RECORD* at this point.

There being no objection, the editorial was ordered to be printed in the *RECORD*, as follows:

#### CLOUDS DARKEN OVER TVA

The cloud that appeared over power business of the Tennessee Valley Authority when the Eisenhower administration blocked starting of the Fulton generating plant has now darkened like a storm in the making.

In recent weeks it had seemed the sun might come out. TVA accomplishments in speed and low cost of construction at Paducah, in sharp contrast to the Ebasco fiasco of private power companies undertaking a duplicate task has become known to the general public. Attempts to get a private power explanation of what happened, which have included sending a reporter for the *Commercial Appeal* to the scene, have produced only conspicuous silence.

Gordon Clapp, TVA chairman, has made an excellent presentation of the Nation's electrical building situation in a series of lectures at the University of Chicago. He has told the TVA story in convincing words, offered a plan for adequate power which would put Government money into private power, and he has especially shown the nationwide values of publicly owned power

systems. His lectures may become a book of ammunition for public power advocates of future years.

But while residents of the TVA area were taking heart from these developments, private power has been quietly taking new ground in Congress. In a subcommittee of the House, working over the year's budget for the National Government, plans have been laid to tear up TVA rules for selling power and write new instructions.

Representative CLIFFORD DAVIS, of Memphis, sounded the alarm when he learned plans of the Independent Office Appropriations Subcommittee.

The plan is to take away the TVA power to fix the retail price of electricity it wholesales to municipal and cooperative distributors. This is the heart of the TVA accomplishment in getting low-priced electricity to the people. It is the center of pain for the private power interests.

If TVA electricity is retailed at the same price as private power in adjoining areas, or if private power could get TVA electricity and resell it at their own prices, we doubt if the public would ever have heard the word "socialism" linked with TVA.

This portion of TVA policy has the further result of blocking the tendency of city officials to feed city treasuries with profits from the sale of natural gas, water, and electricity. It is a policy based on the theory of electricity as a necessity of life, needed by every person at the very lowest possible price.

To go beyond producing electricity at low cost and see to it that it is still low priced when it reaches the people has been a fundamental of TVA.

The subcommittee also plans to alter TVA contracts with its distributors so that the municipalities and cooperatives may buy power from other sources or build generating plants. This sounds like authorizing supplemental power. In the practical economics of the power business it would more likely mean breaking off edges of the TVA area. Costs of small generating plants are so high that the net result would be offering part of the TVA market to the surrounding private power companies.

The subcommittee also plans to require TVA to pay interest on money advanced from the Federal Treasury for building the power-producing parts of TVA, the steam plants, and the transmission lines. TVA is already returning this money on a 40-year schedule, and is ahead of schedule.

It is putting into the Treasury each year, in addition, a margin which might be used for bond interest instead. Use of bonds in place of Treasury advances might be accomplished without increasing the price of electricity. But this proposal goes further. In place of public sale of bonds, which would turn TVA loose from the yearly review by Congress through consideration of appropriations, it proposes to keep the debt in the Treasury, collect a fixed interest, and still keep the congressional apron strings.

This is a program being considered within a subcommittee.

The subcommittee has still to act. Then it will be subject to committee action. Action by the House is ahead. The Senate must approve. The President must sign.

Changes in such a long legislative path are possible. However, the political climate of Washington makes adoption of such a program cast a dark shadow over the future of TVA power.

There is time for the voting public to make its wishes known to Members of Congress. An emergency campaign by Friends of TVA, Inc., is in order.

There is politics in this situation. There is controversy over public power against private power. There are mechanics of financing. But, overall, this is a question of whether the wide area of millions of fac-



tories and homes dependent upon TVA for its electricity is to have enough electricity to grow as the rest of the Nation is growing.

While Congress debates, the power shortage of 1957 comes closer, with neither TVA generators nor private-power generators being installed to meet our need.

### PRIVATE POWER FOR ATOMIC ENERGY COMMISSION

Mr. KEFAUVER. Mr. President, according to the budget message, an effort will be made to divert some four or five hundred thousand kilowatts from the generating plant which the Tennessee Valley Authority has built or is building near the atomic-energy plant at Paducah, Ky. Many of us are skeptical as to whether other power can be found, and as to the cost of other power if it can be furnished by private sources, for the operations of the Atomic Energy Commission plant.

Commissioner Thomas E. Murray, of the Atomic Energy Commission, has written a letter to Marshall McNeil, Washington correspondent of the Knoxville News-Sentinel, setting forth the disappointing results of the effort to try to procure power from private sources. The situation is set forth in an article published in the Knoxville News-Sentinel of March 19, 1954. I ask unanimous consent that the article be printed in the body of the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRIVATE POWER FOR AEC CALLED DISAPPOINTING—EBASCO FIASCO AT PADUCAH SHOWN UP BY TVA PERFORMANCE, OFFICIAL SAYS

(By Marshall McNeil)

WASHINGTON, March 19.—The Atomic Energy Commission responsible for private-power interests being called upon to furnish electricity to the AEC plant at Paducah, Ky., conceded today he is disappointed that the private-power venture has not turned out better.

But he still believes that to have called upon private-power interests is a good thing for the country because it gives the vital AEC plant the added security of having available two independent sources of electricity.

The Commissioner, Thomas E. Murray, expressed his views in replying to a letter from this reporter. Thus, he answered for the first time complaints made by the Tennessee Valley Authority, and by others in its behalf. In the TVA the private-power interests' venture at Paducah is known as the Ebasco fiasco.

#### EISENHOWER ALTERNATIVE

The statement by Murray is important for an additional reason. The President has called upon AEC to try to get private interests to assume a part of the powerload now borne by TVA. He would in this way release from 400,000 to 600,000 kilowatts of TVA power for it to channel into normal peacetime uses in the valley.

This power shift is the Eisenhower alternative to permitting TVA to build the new generating facilities it wanted in the coming fiscal year.

#### HITS POWER-SHIFT THEORY

The plan is vigorously opposed by some TVA supporters on the grounds that the performance of private interests at Paducah shows AEC has to pay much more for power from this source than from TVA. Moreover,

they argue, after the Government pays for the privately owned plants through high rates the plants remain in private hands. TVA plants, they point out, are and remain Government property.

Presumably, Commissioner Murray now is trying to negotiate with private interests to furnish the AEC with an additional 400,000 to 600,000 kilowatts of power by fiscal 1956. But whatever he is doing is hidden behind AEC's characteristic secrecy, although various officials there concede that no questions of security are involved.

#### CLAPP ORIGINATED STORY

Gordon Clapp, chairman of TVA, told the Paducah power story at the University of Chicago last February 17, during a series of lectures on public power and his agency.

He explained that when AEC started its Paducah gaseous diffusion plant TVA was asked to furnish it with power. Then, suddenly, TVA was called upon to furnish only half the AEC power requirements. Commissioner Murray had arranged for several private power companies to organize a new company, Electric Energy, Inc., to provide the other half of the electricity required.

TVA started its Shawnee steam plant on one side of the Ohio and Electric Energy, Inc., started its Joppa plant just across the river. Their construction was hailed as a race, but not by TVA.

Chairman Clapp told his lecture audience how TVA's plant produced power ahead of Joppa. He recalled that Electric Energy, Inc. canceled its contract with Ebasco Services, general contractor on the Joppa plant, in order to permit reorganization of the construction project so that the station can be completed on a more efficient and economical basis.

#### COST HIKED 45 PERCENT

He said the estimated cost of the private company Joppa plant of 4 original generating units increased some 45 percent—from \$81 million in May 1951, to \$118 million in June 1953. He said the cost per kilowatt of capacity increased over the original Electric Energy, Inc. estimate of \$126 to \$184. He said two more units to be added at Joppa show estimates even higher—\$198 per kilowatt.

"The taxpayers bought this record," Clapp said, "and they will have to pay for it; the private companies lost nothing because these increased costs are paid by AEC."

#### COST WITHIN ESTIMATE

Clapp asserted that TVA originally estimated its costs to be \$147.50 per kilowatt of capacity, and then added:

"TVA's actual cost experience to date, while building under the same physical conditions as the Joppa plant, shows that the total 10-unit Shawnee plant capable of producing 1,500,000 kilowatts will be completed by TVA at a capital cost well within our estimates."

Clapp regards the TVA Shawnee plant story as another chapter to record the achievement by a Government agency in conflict with the myth that enterprise and good management are the exclusive possessions of private organizations.

#### ONE BENEFIT STILL THERE

Commissioner Murray was sent a copy of Clapp's Chicago lecture last February 19, and asked to comment. In a letter dated March 17, he replied, saying that the delay had been occasioned because he had been out in the Pacific—presumably at the latest atomic tests.

Murray's letter continued: "Certainly I had hoped that the EEC effort would turn out better. However, one benefit to the country from this arrangement—the added security which accrues from the availability of two independent power supplies for this vital production plant—is still there."

### REVISION OF SENATE RULES

Mr. HENDRICKSON. Mr. President, for a long time the junior Senator from New Jersey has hoped for, longed for, and even prayed for, some revision of the rules of the Senate. In my time I shall probably not see that result accomplished.

I send to the desk at this time an article entitled "Shall Senatorial Power Be Curbed?" published in the New York Times magazine of March 21, 1954. The article was written by Sidney Hyman, a very distinguished author. I hope every Senator will read this article, because it is thought provoking and should be helpful to the cause at some future period.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHALL SENATORIAL POWER BE CURBED?—THE UPPER CHAMBER HAS AMPLE MEANS TO CONTROL ITS OWN UNRULY MEMBERS—YET THE WAY HAS OFTEN BEEN BLOCKED BY INDIVIDUAL PREROGATIVES

(By Sidney Hyman)

WASHINGTON, D. C.—There is a legend about a Senator whose tongue betrayed his troubled conscience. When the roll was being called for a vote in an executive session—so the legend goes—the Senator answered to his name by shouting "Not guilty." Today, the legend has come abreast of reality, as Senators on both sides of the aisle show signs of marked unease before a public opinion which would impeach the whole of their Chamber for individual misdemeanors.

In the current bill of particulars, it is charged among other things:

That the Senate has usurped the functions of the Executive, while it defaults on its duties as a legislative body.

That the Senate has run amuck with the power to investigate, and has used the right of congressional immunity as a hunting license for the destruction of private persons.

That the Senate has laid down administrative restrictions which it knows cannot and will not be observed by the Executive in an emergency, and has forced the Executive to resort to subterfuges so that the critical work of the Nation can go forward.

That the Senate has become obsessed with the invention of new legal restraints, while it ignores the sound maxim of Edmund Burke that "the laws reach but a very little way. Constitute government how you please, infinitely the greater part of it must depend upon the exercise of powers which are left at large to the prudence and uprightness of ministers of state."

None of these charges is new. Nor are they unique in their application to the Senate. In the early days of the Republic, when the House was the dominant arm of the Congress, they were leveled against the House. And in the century-long rise of the Senate to the position of ascendancy—a process that has been quickened in recent years by the Senate's role in our increasingly complex foreign affairs—the same charges now heard were heard long ago.

Said President Andrew Jackson to the Senate: "I do solemnly protest against the proceedings of the Senate as unauthorized by the Constitution, contrary to its spirit and to several of its express provisions; subversive of that distribution of the powers of the Government which it has ordained and established." And President Theodore Roosevelt remarked to Secretary of State John Hay that the more he saw of the Kaiser and the Czar, the more respect he had for the American Senate—to which Hay replied that he himself could not make such a fine

distinction. Said President Wilson to the Nation:

"A little group of willful men, representing no opinion but their own, have rendered the great Government of the United States helpless and contemptible." And even President Coolidge spoke up on the general subject in the course of a fight with the Senate. "It is time," he said in a message to that Chamber, "that we return to a government in accordance with the usual forms of the laws of the land."

On the contemporary historical record, most of the Senators have never veered from a Government in accordance with the usual forms of the law of the land. Whether they have been wise or not so wise in the social policies they have urged or blocked, the overriding fact remains that they have kept within the permissible bounds of conflict with each other and with the others arms of the Government.

And many of them have done far more than play the game according to the rules. They have made the democratic game worth playing. In time of crisis, they arm the Government with the emergency powers it needs. They withdraw those powers when the crisis passes over. And day after day, as they move through a maze of friction-laden domestic and foreign issues, they turn in a far better performance than did their predecessors in the epoch when the Senate Chamber rang with the voices of Daniel Webster, Henry Clay, John C. Calhoun, and Stephen Douglas.

None of these four, however gifted in oratory, led the Senate to an effective solution of the central issue of their day—the issue of slavery. At least 2 of the 4 made the solution all the more difficult until it was settled by the oratory of war. Today, by contrast, the Senate does not lack for men who have the will to produce bold, imaginative, and effective legislative solutions for problems that plague not only Americans, but people around the globe.

Yet these men tend to work quietly and beyond the range of public vision. This may be their fault. It is, nevertheless, their method. And in the sequel our senses are transfixed by the frantic activities of those who led the fight for the Bricker amendment, by the buckshot sprays of Senator LANGER in his attack on Chief Justice Warren, by the bullwhip crackle of Senator WELKER and Senator MCCARRAN when they are crossed by any man, by the littleness of Senator JENNER, and by the continued threat of Senator MCCARTHY that he will rip apart every conservative force in the land.

All this and more supports the widespread feeling that the Senate, in a jealous regard for the rights and privileges of its own Members, will also let the general welfare go hang, if that is the pleasure of an individual Senator. It is agreed in this connection that the Senate should be a gentleman's club. It is agreed, also, that a decent respect for the opinions, needs, wishes, and political problems of the several Members not only makes parliamentary government possible. The habits of respect form an invisible but stout shield for the rights of minorities. Without it, the hand of each man would be raised against the other, and the Senate would become an armed insurrection.

The doubt, nevertheless, is raised whether the virtue of senatorial courtesies has not laid the ground for the fulfillment in the not too distant future of a prophecy made by Vice President Aaron Burr in his farewell address. "If the Constitution," he told the Senate, "be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor."

It is, therefore, pertinent to ask: What are the actual rights and privileges any Senator can exercise to the limits of the law and custom, if he is disposed to do so? How

are these rights and privileges acquired and enlarged? Can their abuse by a Senator be controlled? If not, why not? If so, in what degree and by whom?

Taking these questions in order, the chief source for the rights and privileges of a Senator is the Constitution itself. It makes him an "ambassador" of a State on the basis of a legal equality with the "ambassadors" of any other State, great or small. Being this, he is favorably placed to confuse his person with a sovereignty and to make others equally confused. Thus, when he comes under attack from an outside source, he can draw to his side the historic nostalgias and prejudices of his State, and he will have a believing audience when he declaims, "Not I, but the people of Nevada (or Idaho, Wisconsin, or Ohio) have been traduced."

Moreover, by virtue of his fixed tenure of 6 years, the Senator can generally do and say what pleases him for at least 4 years. He has 2 remaining years to show that he is penitent, or that on issue after issue the previous 4 years found him on the side of the angels every time. In all this he is spared the upheavals of at least 1 general election—in contrast to the Members of the House, who live from handshake to handshake for 2-year periods.

One should add here that in actual practice the greater survival quality that a Senator enjoys, when joined to the Senate's own procedural rules, turns the concept of "ambassadorial equality" into a fiction. The reality of the Senate is that its fundamental law is "squatter sovereignty," otherwise called "the seniority system."

However small the State that a Senator represents, or however meager are his talents, if he sits in the Senate long enough, the automatic operations of the seniority system will elevate him to the role of a committee chairman, or at least a ranking member.

If he is fortunate enough to be made the chairman of the Judiciary Committee, like Senator LANGER or Senator MCCARRAN, he will have a direct say in an estimated one-third of all the business before the Senate. By the favors he has the power to give or deny, he can intrude directly in a wide range of collateral legislation field.

If the Senator gets any other committee chairmanship he will also be favorably placed to bend the Senate to his will. For it is the chairman who calls the meetings, controls the staff of experts, assigns the problems, calls the witnesses, determines the order of business, edits the major reports, decides who will be the floor manager to secure the enactment of the bill when it is reported out, is the leading party in the conference committee where possible differences with the House version of the same bill are reported out—and who, in the end, often sees himself immortalized in American history by lending his name to the bill when it is enacted.

If a Senator is not a committee chairman he can at least console himself with the fact that the Senate rules permit him to hold the Senate floor and talk until his lungs cave in, however much he offends against Vice President Thomas Jefferson's manual.

There, in a text which the Senate piously reprints every 2 years as part of its standing orders, Jefferson laid down the rule that no Senator "is to speak impertinently or besides the question, superfluously, or tediously." Happily, however, the wrong done by the individual Senator is invariably redressed by the Senate's habitual violation of another passage in the manual. Jefferson ruled that "no one is to disturb another in his speech by . . . coughing, spitting, speaking or whispering to another. . . . Nor to pass between the Speaker and the speaking Member, nor to go across the House, or to walk up and down it, or to take books or papers from the table or write there."

By the terms of the Constitution, the Senator also has special privileges which give

him a direct voice in the conduct of foreign affairs. For it is only by and with his advice and consent that a treaty can be ratified. Moreover, the history of the fight over the Versailles Treaty, has led Presidents after Wilson to bid for advance Senate support by bringing a wide range of Senators alongside the treaty negotiating table.

In yet another sphere, the Senator has a direct voice in the management of the entire executive machinery, since once again, it is only with his advice and consent that the chief officials of state can be confirmed in their appointments. If the nominee comes from the Senator's own State, and if the Senator rises to say that the man is personally obnoxious to him, the Senate as a whole generally joins in pulling the lanyard, and the nominee is blown sky high.

There are countless other special privileges which a Senator enjoys, ranging from the underground railroad that runs from the Senate Office Building to the Capitol, to the lacquered snuff boxes that are kept filled at public expense for Senate use. But what is now at the center of public concern is the union of two separate rights and privileges which the Senate as a whole shares with the House. The first is the right to investigate everything below the earth, on top of it, and in the heavens beyond. And the second is the privilege of congressional immunity. "For any speech or debate in either House" or in the committees of either House the Constitution reads, "they shall not be questioned in any other place."

The wide latitude to investigate, follows from the constitutional grant to the Congress of all legislative power. Hence, there can be no constitutional limit on the exercise of this power, nor, by implication, on the exercise of any investigative activity incident to the use of that power.

The courts have made this point reasonably plain to any Senator who serves on a duly authorized committee. He has been told that a legislative purpose will be presumed when a congressional investigation is lawfully set in motion—however much the presumption bends the crowbar to make the theory square with the facts.

He has been told, additionally, that the power to compel pertinent disclosures is implied in the grant of all legislative power to the Congress; that a congressional inquiry may be as broad as the legislative purpose requires; that the Congress has the right to enforce its own investigatory process; that the pertinency of the evidence is not determined by its probative value; that witnesses may be punished for mistakes of law in refusing to answer; that it is for each House of the Congress to decide whether a witness before one of its committees has perjured himself or stands in contempt; and that a member of a committee may plead immunity to prosecution for false arrest of a witness.

Where private persons are involved, the only general constitutional provision affording a safeguard against the abuse of these broad powers is the privilege against self-incrimination found in the fifth amendment. And the move is currently on to withdraw even this slender shield.

Where the agents of the executive branch of the Government are involved, the abuse can be checked only by the strength of the President and his inclination to resist abuse. As the law now stands in this shadowy area, Congress can demand and threaten. The President can refuse and ignore, and the country is left to judge the rights and wrongs between them.

The question again intrudes itself: How can a Senator be curbed when he exceeds the bounds of his congressional immunity? The first, though the long-range, recourse lies with the electorate of his own State, the livelihood of its own sense of shame, and the inclination to retire the Senator to private life.



Woodrow Wilson many years ago put the case this way:

"If the general conditions of the public service be such as to starve statesmen and foster demagogues, the Senate itself will be full of the latter kind, simply because there are no others available. There cannot be a separate breed of public men reared especially for the Senate. It contains the most perfect product of our politics, whatever that product may be."

The second and more immediate recourse which suggests itself lies in the hands of the Senate as a whole. It has the constitutional power to punish its Members for disorderly behavior and, with the concurrence of two-thirds, to expel a Member. Yet, except in cases of election irregularities or other irregularities that fall within the scope of criminal law, the free and easy exercise of the right to expel could lead to habits that would spell disaster.

Yet the hesitancy of the Senate in the exercise of this constitutional right also served a positive good when it kept Senator Robert La Follette, Sr., in the Senate, despite the national hue and cry during the First World War that he be thrown out.

The power of the Senate to set standards for the conduct of its committees is also an available remedy for the abuse of power. Congressional investigations go on all the time in directions other than the ferreting out of subversives. Thus, any uniform imposition of committee rules, inspired by a desire to curb the excesses of a Senator inquiring into Communist activities, could seriously impede the swift, effective, and fair inquiry into matters touching on, say, the economy of the Nation.

It should be recognized equally that the rules, once adopted, are meaningless unless there are men on the committees who will see that they are respected in actual practice. It is difficult to understand why this minimal precaution is not taken. Committee assignments are made by party leaders.

More specifically, the party in power has the means, direct or indirect, to deny a Senator the chairmanship of his committee. It can, for example, take the lead in denying him the funds to operate. Or, if it chooses out of respect for the seniority system to give him the chairmanship, it can at least stiffen the backbone of the chairmen of other standing committees whose preserve he has repeatedly invaded, and to have them assert their primacy against his.

One must reluctantly admit that of itself none of this would prove an ironclad guarantee against continued abuses. Accordingly, there might be some profit if the Senate gave serious consideration to a plan that was submitted to the House in 1929. It provided for a Committee on the Abuse of Privilege in Speech and Debate, to consist of five members. These would be authorized to hold hearings on the complaint of any person that untrue charges, accusations, or statements had been made by a Member speaking on the floor, and to recommend censure or discipline for a Member whose words were found slanderous. In precise compliance with the letter and intent of the Constitution, the Member would thus be questioned only on the floor of the body before whom the offensive words had been uttered.

Beyond this, there remains the all-important curbing power of the President. It does not involve what the President can do directly to a Senator who sets himself up as a sovereign state, though here, as a minimum, the President has a constitutional duty to protect the executive branch from any legislative usurpations—a duty which even President Harding, the creation of the Senate, recognized. It involves, rather, what the President does to make himself the effective party pro tem of the entire Nation, and the source to which all look for effective

leadership through a complicated maze of political problems.

If the President chooses to be a conventional narrow party leader, he will lose not only what he has narrowed down. He will also lose the Nation.

But if he chooses to be the party pro tem of the Nation, his conventional party will be forced to comply with his wishes. Here, then, by this means, standing outside the Senate, yet guiding its activities through the party mechanism, he can hobble the Senatorial demagog, while respecting the legal principle of a separation of powers between the legislature and the executive. This was President Jefferson's way of handling Senator John Randolph. It can be President Eisenhower's way of handling Senator McCarthy.

The device, admittedly, depends for its success on all the complicated and undefinable uses of the political art. Yet it remains a fact that the rise of the demagogues in the past—and there have been many of them—has been in a direct ratio to the failure of the President to do what is expected of him as the political leader for the entire Nation. And the fall of the demagogues, equally, has been in a direct ratio to the success of a President in offering his own person as the inspirational source and the magnet for the Nation's creative partisanship.

When that has happened, the mountebanks have been crowded off the center of the stage, have been disconnected from their mass base, and have in time been reduced to a faint, impotent, whimpering yet baffling footnote to the main course of American history.

#### REDUCTION OF EXCISE TAXES— LETTER FROM NATIONAL BOARD OF FUR FARM ORGANIZATIONS, MILWAUKEE, WIS.

Mr. WILEY. Mr. President, I have received a letter from the National Board of Fur Farm Organizations, Milwaukee, Wis., relating to the excise-tax bill which will soon be before the Senate. I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL BOARD OF  
FUR FARM ORGANIZATIONS,  
Milwaukee, Wis., March 20, 1954.

The Honorable ALEXANDER WILEY,  
United States Senate,  
Washington, D. C.

DEAR SENATOR WILEY: The National Board of Fur Farm Organizations, representing 40 regional fur farm organizations throughout 25 States, and approximately 5,000 fur farmers, endorses excise tax bill, H. R. 8224, presently before the Senate, and strongly urges its passage.

The fur farmers of this country constitute an extremely distressed industry and believe that they are entitled to much greater relief than the other industries which are receiving a reduction of excise tax to 10 percent. However, they are willing to take half a loaf at this time, with the sincere hope that further relief will be given by the next Congress if this tax relief does not prove sufficient.

Last year approximately 1,500 fur farmers were forced out of business. Their failure was due, principally, to the backlog effect of lack of consumer buying due to the exorbitant wartime excise tax. The retail sales which were made resulted in the fur farmers receiving depressed prices for their pelts, many below the cost of production, because the retail price was limited, and the excise tax, instead of being added to the retail price,

was virtually passed back against the fur farmer, with resulting lower prices to him.

It is the consensus of the group of American fur farmers that failure to give relief from the excise tax at this time would precipitate a failure in the mink industry comparable to that which destroyed the silver fox industry.

We respectfully submit that the passage of H. R. 8224 will result in the following:

A. Increased revenue to the United States Treasury through increased excise tax on furs, due to increased sales to consumer.

B. Increased revenue to the United States Treasury due to increased income tax, from operating at a profit rather than a loss.

C. Decrease in failures and bankruptcies of fur farmers, buyers, dyers, dressers, manufacturers, wholesalers, and retailers, through increased sales to ultimate consumer.

D. Every segment of the fur industry, from the fur farmer to the ultimate consumer, will be benefited by increased volume of sales.

E. Greater employment will result from increased volume of turnover of raw products, goods in process, and finished goods.

F. All supplier industries will be able to furnish equipment, refrigeration, and other needed supplies throughout the industry to replace obsolete, deteriorated, wornout, and depleted items.

With relief from the excise tax the American fur farmer will be more able to compete with foreign producers of low quality furs due to increased consumer demand for better quality merchandise.

Our oldest industry, the American fur farmers, will greatly appreciate your support and the support of the other distinguished Members of both Houses of Congress in enacting into law a reduction of the excise tax on furs to 10 percent.

Respectfully yours,  
ARNOLD W. MULHERN,  
Executive Secretary.

#### THE NEED FOR EXPANDED CIVIL DEFENSE

Mr. WILEY. Mr. President, I have already commented on the Senate floor regarding the ominous implications of the explosion of the new H-bomb models. Unfortunately, the news of these grim new developments has tended to make some people feel a sense of resignation before what they regard as the inevitable. There is a feeling in some quarters of "Oh, well, we can't do anything about the terrible H-bomb."

Actually, the reverse is the case. We can and must do a great deal about it.

We must persevere in our efforts for a constructive foreign policy of leadership and, in particular, for President Eisenhower's efforts toward a pool of atomic materials.

Meanwhile, on the homefront we must continue our efforts for expanded civil defense. Why? Because the new H-bomb developments make it more necessary, rather than less necessary, for civilian preparedness, in order to minimize casualties. Throughout our Nation, enlightened, alert public officials and citizens are continuing to spearhead the effort for civil defense. They are not waiting for "George to do it."

My own State of Wisconsin has, I am glad to say, been a leader in homefront protection. I hold in my hand the text of an informative release by the Wisconsin Office of Civil Defense, of which Maj. Gen. Ralph H. Olson is director.

I append to it excerpts from the January, 1954, memorandum of the organization, Civil Defense Research Associates. These excerpts describe a White House conference on this issue. I ask unanimous consent that both these items be printed at this point in the body of the RECORD.

There being no objection, the release and excerpts from the memorandum were ordered to be printed in the RECORD, as follows:

#### IS CIVIL DEFENSE REALLY NECESSARY?

From time to time, we are asked, "Is civil defense really necessary?" We believe that it is, and here is why:

1. President Eisenhower told the Congress in his state of the Union and budget messages that civil defense is vital to our national security.

2. The President told the mayors' conference at the White House in December that civil defense is probably the most important problem facing our Nation today, and that every municipality has a part in it.

3. The Congress appropriated \$49 billion for military purposes for the 1953 fiscal year. If there is a threat of such magnitude as to require spending \$49 billion for military preparedness in 1 year, then there certainly is need for protection on the homefront.

4. The Federal Civil Defense Administration is the only Federal agency which had its budget increased by the Congress for this fiscal year.

5. National leaders have stated on numerous occasions that the international situation has not lessened the need for vigilance one iota since the end of the Korean war.

If we are to carry out a realistic civil defense program, it is up to government at all levels to provide the money and manpower to do the job. And it is up to our public officials to provide the leadership that is needed for every community to have adequate civil defense.

If civil defense is really necessary, and there seems to be little doubt of that, we must all take it seriously and carry out our roles in it wholeheartedly.

#### WHITE HOUSE CONFERENCE FOR MAYORS ON CIVIL DEFENSE

(By Frank P. Zeidler, mayor of Milwaukee)

Gov. Val Peterson deserves great credit for the caliber of men chosen to appear before the mayors and the forthright discussions on policy which ensued from the many profound and weighty statements of policy offered. Speakers included the President and Vice President, Allen Dulles (CIA), Walter Bedell Smith (Under Secretary in State Department), Roger Kyes (Department of Defense), Robert Cutler (NSC), Henry Cabot Lodge (United States representative to U. N.), Marion Folsom (Under Secretary of Treasury), Arthur Flemming (U. S. Defense Mobilization), and Admiral Radford (Chief of Staff).

All developed certain conditions under which civil-defense problems must be viewed and agreed that long-range Soviet objectives of world domination remain unaltered, although the danger to the United States is possibly less than a few months ago.

Governor Peterson offered three alternatives: dispersal or evacuation, going underground, or dying. Number three being no alternative, and since no underground shelters are available, dispersal alone remains.

A suggested course for further review of civil defense by the NSC, of sorting out for each level of Government its responsibilities, was adopted by the conference.

All, including the President, pointed out that the military could not assume defense of cities, and each city must carry out the

necessary operations for self-protection. Arthur Flemming (ODM) said every public official should ask himself "Am I doing everything humanly possible to deal with facts of the atomic age in carrying on the work of my city?"

Summarizing the statements of policy offered:

1. The character of atomic weapons has greatly expanded.

2. Ability to deliver them far exceeds ability to protect from them.

3. The military is not in a position to give cities absolute protection and cities must therefore consider themselves extremely vulnerable.

4. There is no immediate protection for cities other than prewarning, evacuation, and dispersal of target facilities.

5. The task of bringing this message home to the people of the United States is still as great as ever.

6. The National Security Council should endeavor to study the problem further and assign specific responsibilities to the various levels of government.

The conference was a first-rate effort by the administration to bring to the mayors of the United States current and pertinent facts about civil defense, and there was great satisfaction that the administration was entirely open in its attitude toward the mayors and toward giving them the facts.

#### THE MENACE OF COMMUNISM IN LATIN AMERICA

Mr. WILEY. Mr. President, there is now being compiled under my direction a new edition of the Senate Foreign Relations Committee Print entitled, "Strength of the International Communist Movement." This study was released last October by the Special Subcommittee on Security Affairs, of the Senate Foreign Relations Committee. It met with a tremendously favorable reaction throughout the Nation. The material in it is now being brought up to date and expanded upon somewhat.

The revised edition should be available for distribution from the committee within a few weeks. Its aim is to portray the growth of communism throughout the world, in order that we and all other free peoples may be in a better position to combat this rising menace. One of the areas it spotlights, for example, is Latin America. At long last, the menace there—which for so long had virtually been ignored, unfortunately—has been the subject of recent action at the Tenth Inter-American Conference at Caracas.

On the most critical phase of this problem, I, for one, had on January 14 and February 4, commented on the Senate floor on the Communist beachhead in Guatemala. It is my intention to present further facts on the critical problem there. Recent events have underlined the urgency of my remarks, and have emphasized the soundness, too, of the general observations made by Secretary of State Dulles, at Caracas, on the overall problem of Soviet intervention in the hemisphere.

In connection with Latin American communism, I was interested to read in the March 22 issue of the magazine, the Freeman, an article entitled "Is Latin America Next?"—that is, next on the Communist timetable for internal destruction.

I ask unanimous consent that a few excerpts from the article be printed at this point in the body of the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

#### IS LATIN AMERICA NEXT?

(By Eudocio Ravines)

Today Latin America occupies the same place in Moscow's blueprint for conquest that China did 20 years ago.

The Soviet press is giving considerable space and analysis to Latin American subjects. For the first time in its history, Pravda has reproduced editorials from official Argentine newspapers, and has devoted long and detailed articles to such Bolivian problems as tin mining and the National Revolutionary Movement of Paz Estensoro, as well as to current questions in Chile and Argentina. Such analyses could not have been published without exclusive sources of information in high places.

It is no longer a mystery that in Prague there are special schools with Spanish-speaking professors, and with teachers brought from China to convince the students of the wonders that can be achieved by communism in backward countries. These schools are continually visited by Latin American delegates who claim that they do not belong to the Community Party.

#### THE GUATEMALAN WAY

Moscow's basic, immediate task in Latin America is to build a huge national front similar to the one that has gained power in Guatemala. Since the Moscow Congress held in October 1952, the Kremlin has emphasized that "the Communist way in Latin America is the Guatemalan way." In following the Guatemalan way there is no need to build mass parties which would only serve to stir up alarm and hence lead to repression. Moscow remembers the case of Chile, where the fact that a strong Communist Party had won control of three ministries and a cabinet of 11 members caused panic, and the party was quickly declared illegal.

The long-range Soviet charts for operation Latin America count on a prolonged economic depression there. It is expected that a decline in the demand for raw materials, unemployment, lowered living standards for workers—and as a result, the deepening of discontent, already so explosive a force in Latin America—will stir up ill will toward the United States.

For the essential factor in Communist strategy for Latin America consists in helping and bringing together all the elements hostile—or the least favorable—to the United States. This is seen not as an alliance of the Communist Party with other parties, but as a broad and variegated movement, a mixture of peoples and groups that are politically diverse, and united only in their antagonism to Yankee imperialism. Propaganda and activity in Latin America is developing along the lines suggested by Dimitri Manuilsky, former president of the Communist International: "For backward countries, backward politics."

#### ECONOMIC TROUBLES BLAMED ON UNITED STATES

All Latin America's ills, according to Moscow's plan, are blamed on the United States. The Communists accuse the "Colossus of the North" of having hindered South America's industrialization in order to avoid competition; of having supported dictatorships; of having caused a rise in the dollar to depreciate national currencies, and thus buy cheap and sell dear. At the same time, the Latin American Communists point out that the remedy for their countries' economic difficulties may well come from trade with the Orient, with Russia, and the satellite countries.



Trade with Soviet Russia has not helped Argentina solve her economic problem to the extent that government economists had hoped. It is far from the amount of \$400 million a year which Moscow and Buenos Aires have loudly announced.

In Brazil, propaganda for establishing trade relations with Russia, following Argentina's lead, has been intensified in recent months. \* \* \*

In Chile, the supporters of the Communist Party are launching intensive propaganda to convince Chileans of the immense benefit which would come from selling to Russia copper the United States cannot buy—a sale estimated at more than \$200 million a year. In Bolivia, the same propaganda is developing in respect to tin, the only important product of the Andes plateau and the axis around which Bolivian life revolves. In Mexico similar propaganda, carefully cultivated by the followers of Vicente Lombardo Toledano, is less noisy and more subtle and deep-rooted. This kind of propaganda—in view of the countries' poverty, their scanty technical development and hopes for industrialization—is playing an important part in "Operation Latin America."

#### NUMBERS NO INDICATION OF RED STRENGTH

The high point of militant communism in Latin America was the decade of the forties, especially after Hitler's attack on Soviet Russia. At that time the number of Communists in all Latin America passed the half million mark. Today this number has dropped by more than 60 percent. But a considerable contingent has left the Communist Party deliberately and is working for its cause in the parliaments, ministries, and diplomatic posts, in labor organizations, in such groups as the Masons, scouts, law colleges, and on the editorial staffs of publications both radical and conservative. These Communists, apparently detached from Moscow, follow underground orders—some to further their own careers, some because of the threat of blackmail that hangs over them.

"Operation British Guiana," developed by the Jagans and a Communist group so small that all of them could probably be seated in a living room, succeeded very well in carrying out the tactics outlined at the 1952 Moscow Congress.

Thus, party membership is no indication of communism's strength. In Mexico the Communist Party at its peak did not have more than 30,000 members. But from this it would be naive to conclude that it did not have powerful influence and friends in places important to the Kremlin's plan. A selected group of Spanish refugee Communists works intimately with Toledano and the leaders of his party in stirring up anti-American feeling. Communism in Mexico controls trade unions and influential groups in the National University and the Ministry of Education and Labor. Many Mexican leaders who are certainly Communists are ardent proselytizers for communism.

A similar phenomenon can be seen in Brazil, where Communist activities have developed through popular parties, liberal organizations, and secret cells, which work primarily in the military training schools and within the armed forces. The project proposed by Manuisky at the secret conference of the Communist Parties of Latin America in 1934—transforming the northeastern part of Brazil, at the mouth of the Amazon, into a kind of Latin-American Vietnam—has by no means been abandoned.

In Chile, though the party has been outlawed, Communists have bared within the movement of President Ibañez, infiltrated the Radical Party, and arranged visits to Iron Curtain countries by politicians who, though

not Communists, were used later as propagandists.

The Communists are working hard within the left wing of Peronism in Argentina, and the left sectors of the Acción Democrática of Venezuela and the Alianza Popular Revolucionaria of Peru.

A recent departure in Latin American communism is political brotherhood between the Stalinists and Trotskyites. Since the deaths of Stalin and Beria, an era of apparent collaboration has begun. For example, the Chilean Stalinists are cooperating with the Partido Obrero Revolucionario of Bolivia, founded by the Trotskyite Tristan Maroff.

The propaganda and activity of the Communists are extremely vulnerable. They rest on half-truths—in which lies their strength, but can also lie their weakness. A movement which works as a fifth column for a foreign country is presenting itself as the champion of nationalism. A party supposedly of the proletariat is not directed by workers in a single Latin American country. Its leaders are drawn from professional groups, intellectuals, and the middle class.

Anti-Communist action is weak and sporadic. Isolated groups fight alone. But Moscow's Operation Latin America is a force which must be combated, a danger to the future of our hemisphere that cannot be underestimated.

#### COMBATING THE TERRIBLE ACCIDENT TOLL OF FIREWORKS

Mr. WILEY. Mr. President, I send to the desk the text of a statement I have prepared on the subject of the need for prompt and effective legislation to control the menace of fireworks. I ask unanimous consent that its text, along with certain appended materials, be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the statement and accompanying papers were ordered to be printed in the RECORD, as follows:

##### STATEMENT BY SENATOR WILEY

##### WHY THE SENATE MUST ACT PROMPTLY ON S. 2245

I have commented on several previous occasions on the imperative necessity of speedy action on legislation to control the menace of fireworks.

It has been my earnest hope for many weeks that a bill for this purpose, S. 2245, would be reported from the Senate Judiciary Committee. Unfortunately, final action has been delayed in that group.

I hope, however, that at the very next meeting of our committee, my colleagues will report this legislation favorably.

I have already obtained a commitment that there will be a definite vote on this issue at the next meeting.

##### THE TOLL OF ACCIDENTS ON JULY 4TH

I want to point out that Independence Day—July 4th is drawing very close.

We look forward, of course, to this great patriotic occasion with joy and happy anticipation, but those of us who recognize this fireworks problem anticipate the inevitable accident toll from fireworks on that day with deep concern.

I am informed that already certain fireworks dealers are offering special bonuses of super firecrackers to youngsters who send in mail orders before April 20.

I say there is absolutely no reason why the independence of our country should be celebrated by a single American child losing his

eye or a finger or a hand from these dangerous devices.

##### THE TOLL IN ILLINOIS ALONE

Among the several letters which I am appending to this statement is a message from a committee in one district of Lions International.

This letter points out that in the last 2 years in 1 State alone—Illinois—there were 486 fireworks accidents. Of these, 112 were serious eye injuries resulting in impairment of children's vision. In at least 13 of the cases, Illinois youngsters lost 1 eye.

This is obviously a senseless, inhuman toll to tolerate for 1 month longer, or 1 year longer.

It is fantastic that on the one hand we should devote effort as we soundly do to try to protect our beloved children—to safeguard their morals, to train their minds, to contribute to their religious upbringing, but then should permit these innocent little tikes to inflict untold damage upon themselves through fireworks—damage for which they must suffer the rest of their lives.

I say that every United States Senator who is a parent, every United States Senator who has little nephews and nieces is honor-bound particularly to look after those little ones and to protect uncounted other children in time to come who will be maimed by this fireworks menace.

##### OUR INDEBTEDNESS TO REPRESENTATIVE CHURCH

The Nation is indebted to Representative MARGUERITE S. CHURCH, Republican, of Illinois, for her splendid battle in 4 successive years for this vital protective legislation.

I am sure that, had it not been for her able persistence, we would not have made as much progress as we have made toward this objective.

##### WILEY AMENDMENT TO CHURCH BILL

At the next Judiciary Committee meeting, I shall offer a minor amendment to clarify one particular point of S. 2245—the bill which is identical to Mrs. CHURCH's H. R. 116.

The amendment, which merely adds the word "State," will have this effect. The prohibition on shipments into States which ban the use of fireworks shall by means of the amendment, refer explicitly rather than merely implicitly only to State laws, as such, rather than to municipal or county ordinances.

Obviously, it is difficult for a shipper to know what all the diverse city and county ordinances may be which prevail in all the counties and cities of the United States. The shippers can, however, relatively easily learn what the 48 State laws are on the State statute books.

##### THE SO-CALLED ALTERNATIVE BILL

There has been some indication that opponents of S. 2245 will attempt to substitute for it S. 1722. This so-called alternative which would try to shift responsibility to the ICC is not an alternative at all.

The Interstate Commerce Commission, which would unwillingly be charged with control over shipment of fireworks, has stated in a letter to the distinguished chairman of the Senate Judiciary Committee, Mr. LANGER, that it has no experience or ability to attempt to take over this responsibility. It has no available staff, no facilities, and, in effect, no desire. So, the ICC strongly and rightly opposes S. 1722.

I say that to vote for S. 1722 is to vote against any effective fireworks control.

I append now: (a) the text of the ICC letter; (b) letters from public-spirited groups, such as the Texas Congress of Parents and Teachers, supporting the only effective bill now before us, namely S. 2245; and (c) finally a list of a few of the many organizations supporting H. R. 116 and S. 2245.

INTERSTATE COMMERCE COMMISSION,  
Washington, May 14, 1953.

HON. WILLIAM LANGER,  
Chairman, Committee on the Judiciary,  
United States Senate,  
Washington, D. C.

MY DEAR CHAIRMAN LANGER: Your letter of April 29, 1953, addressed to the Chairman of the Commission and requesting a report on S. 1722 introduced by Senator BUTLER of Maryland, for himself and Senator BEALL, to amend title 18, United States Code, so as to regulate the transportation and shipment of fireworks, has been referred to our Committee on Legislation and Rules. After careful consideration by that committee, I am authorized to submit the following comments in its behalf:

In this bill it is proposed to impose criminal liability upon any person who "knowingly imports, brings, carries, transports, or delivers for transportation, in interstate or foreign commerce, fireworks other than those conforming to standards of safety that shall have been prescribed by the Interstate Commerce Commission." Accordingly it would provide:

"The Commission shall determine appropriate standards of safety for all fireworks which may be used by the public, and shall formulate regulations (1) to determine those articles of fireworks which comply with such standards of safety, and (2) to provide for the identification of such articles of fireworks in all categories of commerce."

At present the Commission is charged with the duty of prescribing regulations intended to promote the safe transportation of explosives and other dangerous articles, including fireworks. This function is related to the Commission's general regulatory powers with respect to transportation.

S. 1722 proposes to impose on the Commission the duty of passing upon the question of what fireworks may be safely used by the general public without regard to safety of transportation. Thereby the authority of the Commission would be extended to a field in which it has had no experience. It has no staff of employees or physical facilities for making the determinations which would be necessary. In our opinion, the proposed enlargement of our powers would be extremely undesirable.

We recommend that S. 1722 do not pass.  
Respectfully submitted.

WALTER M. W. SPLAWN,  
Chairman.

CHARLES D. MAHAFFIE,  
HUGH W. CROSS,  
Committee on Legislation and Rules.

THE TEXAS CONGRESS OF  
PARENTS AND TEACHERS,  
Austin, Tex., March 15, 1954.

The Honorable ALEXANDER WILEY,  
National Capitol Building,  
Washington, D. C.

DEAR SENATOR WILEY: I am writing in behalf of S. 2245, which is now being considered by members of the Senate Judiciary Committee.

We in the Texas Congress of Parents and Teachers, an organization with a membership of over 475,000, are deeply concerned with the welfare and safety of our children. It is our belief that the passage of this bill could do much to curb the great number of injuries occurring to youngsters as a result of this form of entertainment. The celebration of Independence Day, as well as that of other holidays, certainly could be observed in a more inspiring manner.

We urge that you, as a member of this subcommittee, recommend the passage of this bill.

Thanking you, I am,

Very sincerely,

Mrs. C. C. REDDING,  
State Legislation Chairman.

THE CHICAGO OPHTHALMOLOGICAL SOCIETY,  
Chicago, Ill., March 19, 1954.

HON. ALEXANDER WILEY,  
United States Senate,  
Senate Building,  
Washington, D. C.

DEAR SENATOR WILEY: May I urge your favorable action on Senate bill 2245. The passage of this bill will help protect many people from needless injuries.

Obviously, each State should have the right to control the fireworks problem, and this should be a big step forward.

Sincerely yours,

GAIL R. SOPER, M. D.

ROSELAND LIONS CLUB,  
Chicago, Ill., March 19, 1954.

HON. ALEXANDER WILEY,  
Member, Senate Judiciary Committee,  
Senate Office Building,  
Washington, D. C.

HONORABLE SIR: Our entire membership, in conjunction with all Lions in district 1-A, joins in requesting that your committee approve bills H. R. 116 and S. 2245.

Lions everywhere are vitally interested in sight conservation as one of our prime objectives. We feel that the above bills will curb the vicious practice of fireworks manufacturers selling fireworks to children through the medium of ads in newspapers and magazines in States where the sale of fireworks is prohibited by law. We do not oppose the sale and use of fireworks for legal supervised display; in fact, we have sponsored such displays.

In the past 2 years there have been 486 fireworks accidents reported in our State. Of these, 112 were serious eye injuries resulting in impairment of vision for many children, and in at least 13 of these cases youngsters have lost one eye or were totally blinded in one eye.

You will agree that this is a pretty high price to pay just to enable some fireworks manufacturer to make a profit.

We have legislation in Chicago and Illinois banning the sale of fireworks, with excellent enforcement, but have no protection from out-of-State dealers who ship fireworks into our State, especially to irresponsible minors.

Lions in every State are interested in these bills and the protection that they will give our children. Therefore, we strongly urge that you work to save the vision of our children by voting approval of these bills when they come before your committee on March 22.

Very truly yours,

WALTER G. GRANGER,  
Chairman, Sight Conservation  
and Blind Committee.

ORGANIZATIONS SUPPORTING H. R. 116 AND  
S. 2245 AS COMPILED BY REPRESENTATIVE  
CHURCH

American Municipal Association; National Association for Prevention of Blindness; American Foundation for the Blind; American Optometric Association; American Medical Association; General Federation of Women's Clubs; National Congress of Parents and Teachers, Inc.; Illinois Society for the Prevention of Blindness; Chicago Junior Association of Commerce and Industry; Roseland Lion's Club of Chicago; Anti-Cruelty Society; Illinois Federation of Women's Clubs; Industrial Home for the Blind, Brooklyn, N. Y.; Kiwanis Club; National Fire Protection Association; New Jersey Optometric Association; Pennsylvania Federation of the Blind; Waukegan-North Shore Chamber of Commerce; Funeral Services Associated; Chicago Federation of Community Committees; Broadway Association, Inc.; Keystone State Fair Chiefs Association; Oklahoma Medical Research Institute and Hospital; Commission for the Blind, State of New Jer-

sey; North Carolina State Commission for the Blind; the American Association of Workers for the Blind; Lions Clubs throughout the United States; Illinois Association of Chiefs of Police, Inc.; Business and Professional Women's Clubs.

### REDUCTION OF THE BUDGET

Mr. WILEY. Mr. President, I have received from a number of taxpayers' associations in the State of Wisconsin many anxious expressions with regard to the need for curbing Federal spending and relieving present heavy Federal taxes.

Our citizens recognize more and more that every effort must be made to economize wherever possible in order to minimize the deficit which is looming so ominously before us and in order to relieve taxpayers' burdens.

I present two of these messages in the nature of resolutions, one from a regional conference of eastern Wisconsin taxpayers' association, held in Oshkosh, and the other from Racine (Wis.) Taxpayers' Association.

I ask unanimous consent that the resolutions be printed at this point in the body of the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

#### FEDERAL BUDGET

Whereas the current generation of Americans has lived through an era of constant expansion of government at all levels with a resultant growth in tax burden; and

Whereas this expansion has resulted in local property taxes and the State executive budget more than doubling since World War II and the Federal budget attaining and keeping proportions 10 times its prewar size; and

Whereas Federal spending has exceeded Federal income to the extent that a debt approaching the \$275 billion statutory ceiling has been accumulated while the budget proposed for fiscal year 1955 contemplates continued borrowing; and

Whereas the proposed Federal budget for 1955 contemplates appropriating almost \$7 billion to pay interest on the public debt, making interest payments more than 10 percent of the budget and totaling more than the Federal budget receipts of 1940; and

Whereas the Federal budget proposed for 1955 will represent, as Wisconsin's share, tax receipts of more than \$383 for every man, woman, and child in the State; and

Whereas Federal spending encourages increased local Government spending through both example and offering aid as inducement to instituting new programs of expansion; and

Whereas Congress is considering not only an unbalanced budget but also new aid for local schools and increased aid for highways: Now, therefore, be it

Resolved, That this conference of taxpayer organizations, in the interest of better, lower-cost government with control closer to the people and in the interest of controlled Government spending where it is far from the people, does hereby urge the Congress of the United States of America to—

1. Balance the budget by reducing Federal spending;

2. Pass legislation such as H. R. 2 making a balanced budget mandatory in the future;

3. Retain the present \$275 billion ceiling on the public debt;

4. Reexamine and curtail aid programs, including such school-aid programs as S. 2779 and H. R. 7467;

5. Make the taxation of motor fuel the sole privilege of the States; be it further



*Resolved*, That Wisconsin Members of Congress work for such objectives and through the proper congressional committees.

Adopted Oshkosh, Wis., March 10, 1954.

**RESOLUTIONS COMMITTEE:**

C. J. FISK,

Oshkosh Taxpayers Association.

THOS. F. FITZGERALD,

Waupaca County Taxpayers Association.

ANDREW J. HOWNESS,

Sheboygan County Tax Association.

ALBERT J. HAVER,

Fond du Lac Taxpayers Association.

CRAN A. HALL,

Brown County Tax Survey.

Whereas an almost uninterrupted succession of unbalanced Federal budgets has pushed the Federal debt nearly to its statutory limit of \$275 million; and

Whereas the nearness of this ceiling has had a restraining effect on Federal spending; and

Whereas the proposed Federal budget for 1955 calls for appropriations of almost \$7 billion just to pay interest on the Federal debt, making interest payments amount to more than 10 percent of budget expenditures; and

Whereas raising the ceiling on the debt would be done only for the purpose of increasing the debt, thus increasing the tax liability that must be assumed eventually as the debt is paid off and increasing the current tax burden, already too heavy, by adding more to the cost of servicing the debt; Now, therefore, be it

*Resolved*, That the Racine Taxpayers Association meeting this 16th day of March 1954, That Congress retain the present ceiling on the Federal debt and through a program of balanced budgets and expenditure reduction work toward eliminating the Federal debt which in itself represents a major cause of today's tax burden; be it further

*Resolved*, That a copy of this resolution be sent to Senators McCARTHY and WILEY and to Congressman SMITH.

Adopted March 16, 1954.

RACINE TAXPAYERS ASSOCIATION,  
EUGENE A. LELOUP, President.

**EXCISE TAX ON TELEPHONE SERVICE—RESOLUTION OF HECTOR (MINN.) FARMERS UNION**

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a resolution adopted by the Hector Local Farmers Union concerning the excise tax on telephone service be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HECTOR, MINN., March 15, 1954.

HON. HUBERT H. HUMPHREY,  
United States Senate,

Washington, D. C.

DEAR SENATOR: A meeting of the Hector Local Farmers Union, representing a membership of 150, was held at Hector, Minn., today.

The members of the Farmers Union are of the opinion that it is decidedly unfair to classify their telephone service along with luxury items and impose on it a like tax, and for that reason the following resolution was unanimously adopted:

*Resolved*, That in the opinion of the members of the Hector Local Farmers Union, the excise tax on our telephone service, even with the cut to 10 percent as proposed last week by the House of Representatives, is decidedly unjust and should be completely removed; be it further

*Resolved*, That our Representatives in Congress be respectfully requested to use their influence for the outright repeal and

complete removal of this unjust tax and that a copy of this resolution be forwarded to Congressman H. CARL ANDERSEN, Senators EDWARD J. THYE, and HUBERT H. HUMPHREY.

Sincerely yours,

RAY CHRISTENSON,  
President, Hector Local Farmers Union.

**COMPENSATION FOR POSTAL EMPLOYEES—RESOLUTION OF DULUTH (MINN.) BRANCH OF NATIONAL POSTAL TRANSPORT ASSOCIATION**

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a resolution adopted by the Duluth Branch of the National Postal Transport Association, opposing the recommendations of the Fry Associates, and favoring an increase of \$800 per annum for postal employees, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

**NATIONAL POSTAL TRANSPORT ASSOCIATION,**

Duluth, Minn., March 15, 1954.

Senator HUBERT H. HUMPHREY,

Senate Office Building,

Washington, D. C.

DEAR SENATOR HUMPHREY: The Duluth, Minn., Branch of the National Postal Transport Association at a regular meeting on March 9, 1954, adopted the following resolution:

"Whereas the Postal Department has proposed a reclassification of all positions in the postal service in accordance with recommendations of the Fry Associates; and

"Whereas under this proposed plan many positions in our service will be downgraded and very few would receive any substantial increase: Therefore be it

*Resolved*, That the Duluth Branch in meeting duly assembled, recognizing this inequity, be unalterably opposed to the passage of this recommendation; and be it further

*Resolved*, That the Duluth Branch go on record as favoring an across-the-board increase of \$800 per annum; and be it further

*Resolved*, That copies of this resolution be sent to the Members of the Senate and House representing this portion of Minnesota and Wisconsin, the president of NPTA, President Lundeen, and a copy to the editor of the Postal Transport Journal."

Respectfully submitted.

WESLEY W. OATES,

Secretary, Duluth, Minn., Branch,  
NPTA.

**AWARDING OF CERTAIN CONTRACTS IN DELAWARE AND MASSACHUSETTS**

Mr. WILLIAMS. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a series of correspondence I had with the Secretary of Defense, Charles E. Wilson, regarding recent awarding of contracts in the States of Delaware and Massachusetts.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

**UNITED STATES SENATE,**

Washington, D. C., March 22, 1954.

HON. CHARLES E. WILSON,

The Secretary of Defense,

Washington, D. C.

MY DEAR MR. SECRETARY: In 1953 there was great concern in my State over the cancellation of the Government's contract for the purchase of tanks at the Chrysler Tank Plant in Newark, Del. I and other members of

the congressional delegation discussed this with your office, and we were advised that this contract had been canceled and placed with the Detroit plant of the General Motors Corp. for the reason that the General Motors Corp. had underbid Chrysler by approximately 10 percent. While expressing regrets for the loss of this business to our State, we supported you in that decision; we recognized that the American taxpayers were entitled to having these purchases made at the best possible advantage.

However, under date of February 9, 1954, I called your attention to a report wherein you had just awarded a \$53 million contract to the Quincy Shipyard of the Bethlehem Steel Corp. at a cost price of \$6,500,000 above the lowest bidder. In that letter I reviewed our previous experience of having a Government order at the Chrysler plant canceled and requested that you reconcile that decision with your recent liberality in the awarding of the contract for the three destroyers.

In answer to that letter I have received a reply over the signature of Mr. R. H. Folger, the Assistant Secretary of the Navy, in which he frankly admitted having awarded the contract to the Massachusetts shipyard at \$6,545,040 above the lowest bid on the basis that it was necessary to maintain the capacity in skills of the Quincy Shipyard, which were considered essential in the event of any full-scale emergency. However, it is significant that Mr. Folger completely disregarded any effort to reconcile this policy with your previously established policy of awarding contracts solely on the basis of the lowest bidder.

As a result of the cancellation of the Chrysler contract the Newark, Del., plant is preparing for a shutdown. Unemployment in my State is of just as much concern to us as is unemployment in other areas. Your office insisted during our previous conversations that unemployment in an area would not be a consideration in the awarding of contracts but that such awards would be made solely on the basis of the lowest bidder.

As one who will be voting upon the appropriations for the Defense Department I most urgently recommend that your policy be to award these contracts to the lowest bidder. To do otherwise not only would necessitate unnecessary expenditures but also would be an open invitation to each State to see which could exercise the most political influence. As a representative of the State of Delaware, I am asking that you establish one policy for all of the 48 States and advise us what that policy is.

Yours sincerely,

JOHN J. WILLIAMS.

On previous occasions I have corresponded with Secretary Wilson regarding his decision to transfer the order from the Chrysler plant at Newark, Del., to the General Motors plant at Detroit, Mich.

Secretary Wilson had explained that his decision was based upon the administration's policy of saving the taxpayers' money and had further stated that it was going to be his policy to award these contracts on a businesslike basis; that is, to the lowest bidder.

I supported that decision; however, it now appears that the sound business principles only apply when the contracts go where they want them to go.

Early in February 1954 an announcement appeared in the press to the effect that the Navy had awarded to the Quincy Shipyard of the Bethlehem Steel Co., Quincy, Mass., a contract for the construction of three Sherman-class destroyers at a price of \$53,022,000. The news article further pointed out that the Bath Iron Works at Bath, Maine, had underbid the Boston firm by \$6½ million. Their lower bid was \$46,479,960.

In this article Mr. Robert B. Anderson, Secretary of the Navy, was quoted as saying

that he felt it was necessary to make an exception in the Navy's policy of awarding contracts to the lowest qualified bidder and to pay this extra \$6½ million for the three destroyers to keep the Quincy yard in operation.

This decision to throw away an extra \$6½ million solely on the basis that they wished to keep a plant in operation was difficult to reconcile with a previous decision made by the same officials in the Defense Department to cancel the contract at the Delaware Chrysler Tank Plant in Newark, Del. In that instance the contract had first been awarded to the Chrysler Tank Plant; however, new bids were called for, and according to the Defense Department, the Detroit plant of General Motors Corp. underbid the Delaware Chrysler plant by approximately 10 percent.

Accordingly the contract was reassigned to General Motors at Detroit.

On that occasion I advised the Defense Department that while we regretted losing this business in Delaware I would support their decision to award the contract for these tanks to the lowest bidder. I still think that procedure is the sound, businesslike method in which all Government contracts should be awarded; however, I must insist that the same rules as were applied in Delaware be made applicable to each of the other 48 States.

With this thought in mind I directed the following letter to the Honorable Charles E. Wilson, Secretary of Defense, under date of February 9, 1954:

UNITED STATES SENATE,  
Washington, D. C., February 9, 1954.  
Hon. CHARLES E. WILSON,  
Secretary of Defense,  
Washington, D. C.

MY DEAR MR. SECRETARY: It has been called to my attention that the Navy has awarded to the Quincy, Mass., shipyard a \$53,022,000 contract for three Sherman-class destroyers although there had been lower bids.

Recently the Defense Department canceled its contract with the Chrysler Corp., which contract had called for the purchase of tanks at its Newark, Del., plant and transferred the contract to the General Motors Corp. at Detroit on the basis that they were the low bidder. Naturally we in Delaware regretted losing this employment in our State; however, in correspondence with you I stated that as a Representative of that State I would support you in the businesslike procedure of awarding contracts to the lowest bidder.

I am having difficulty, however, in reconciling the cancellation of the Delaware contract with the Chrysler Corp. with the procedure followed in the awarding of the contract on the three destroyers outlined above. I would very much appreciate having an explanation.

Yours sincerely,

JOHN J. WILLIAMS.

On March 8, 1954, I received a reply from Mr. R. H. Fogler, Assistant Secretary of the Navy, in which he confirmed the awarding of the three destroyers to the Quincy shipyard in Massachusetts, at a \$6,545,040 premium over the lowest bid. In this letter he made a feeble attempt to justify such an unbusinesslike procedure but completely ignored their past decision in reference to the Chrysler contract.

His reply is as follows:

DEPARTMENT OF THE NAVY,  
OFFICE OF THE SECRETARY,  
Washington, March 8, 1954.  
The Honorable JOHN J. WILLIAMS,  
United States Senate,  
Washington, D. C.

MY DEAR SENATOR WILLIAMS: The Secretary of Defense has asked me to reply to your recent letter requesting an explanation of the procedure followed in awarding a contract for three destroyers to the Quincy, Mass., shipyard of the Bethlehem Steel Co.

at a price higher than that quoted by the low bidder.

In this procurement, the Navy departed from its customary practice of awarding its work to the low bidder, in order to maintain the capacity and skills of the Quincy shipyard which are considered essential in the event of a full-scale emergency. The Quincy shipyard is the key yard of the Bethlehem organization which controls more than a dozen construction and repair yards dispersed throughout the country. Bethlehem represents about 60 percent of our commercial mobilization potential for Navy surface combatant types of escort vessel size and above.

The Quincy yard was faced with the prospect of no Navy or commercial ship construction in progress by the end of this year. Consideration was being given to closing the yard.

The only two awards in the Navy's 1954 shipbuilding program which would provide sufficient productive employment to keep Quincy in operation were the new Forrestal-class carrier and the destroyers. The price quoted by Quincy on the carrier was \$28,314,000 higher than that quoted by the low bidder. It was, therefore, in the public interest to make this award to the low bidder, Newport News Shipbuilding & Drydock Co., Newport News, Va. The destroyers award was made to Quincy at a much smaller premium, \$6,545,040.

The low bidder on the destroyers was the Bath Iron Works. This firm already had 3 destroyers and 3 escort vessels under construction and, therefore, could count on a level, or slightly increased, workload in future months. Preservation of the mobilization readiness of this yard was thus assured for some time to come.

I am enclosing a copy of a recent Navy statement, along with charts, on this subject before the Subcommittee on Defense Activities of the House Armed Services Committee. I trust that this letter, together with the enclosures, will explain to your satisfaction why it was in the national interest to award the contract for destroyers to the Quincy shipyard. If, however, you should desire additional information regarding this award, do not hesitate to call upon me.

Sincerely yours,

R. H. FOGLER,  
Assistant Secretary of the Navy.

I am asking both the Armed Services Committee and the Appropriations Committee to give recognition to this unnecessary waste of the taxpayers' money, and at the same time I enlist their support in condemning this unbusinesslike procedure which would never have been condoned by the officials involved in their own private business.

#### NEW MEXICO SENATORIAL ELECTION

The Senate resumed the consideration of the resolution (S. Res. 220) declaring the judgment of the Senate to be that no person was elected as a Member of the Senate from New Mexico in 1952 and that a vacancy exists in the representation of that State in the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. CORDON].

Mr. HAYDEN obtained the floor.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. SALTONSTALL. It is my understanding, as acting majority leader, after talking with the minority leader, that the consideration of the New Mexico Sena-

torial election contest is to be proceeded with until a vote is reached, even though that may mean that the Senate will be in session until late in the afternoon. It is his thought and mine that we should vote at as early an hour as possible, and that the speeches should be reasonably brief.

Following the vote on the New Mexico election contest, it is my intention to move to take up the excise tax bill. When consideration of that bill shall have been concluded, it is the suggestion of the majority leader [Mr. KNOWLAND], who is unfortunately absent today, that the Hawaiian-Alaskan statehood bill be again made the unfinished business of the Senate.

I hope we may proceed to vote on the New Mexico senatorial election contest as quickly as possible.

Mr. JOHNSON of Texas. Mr. President, as I understand, the Senator expects to keep the Senate in session until a vote is reached, even if that means remaining in session into the evening.

Mr. SALTONSTALL. It is my intention, with the approval of the minority leader, to keep the Senate in session, even into the early evening, in order to reach a vote.

Mr. HAYDEN. Mr. President, yesterday I inquired of the junior Senator from Wyoming [Mr. BARRETT] as to whether the record of the electoral vote for Dwight D. Eisenhower for President and RICHARD M. NIXON for Vice President should be corrected by deducting the 4 electoral votes from New Mexico which were cast for them in the electoral college.

In answer to my question the Senator said:

I believe that if the objection had been made in time, and if it had been properly made, the electoral votes of New Mexico could have been challenged and could have been thrown out. Such a procedure of course would have affected the whole election in New Mexico if the challengers had been able to show that the votes for presidential and vice presidential electors had been vitiated.

The Senator from Wyoming then referred to a motion which I submitted at the meeting of the Committee on Rules and Administration, when the pending resolution was reported to the Senate. At that time I said that if the resolution were to be reported declaring that the senior Senator from New Mexico [Mr. CHAVEZ] was not entitled to his seat, there should be attached to the committee report the following words:

The committee further recommends that the statement delivered to the Vice President on January 6, 1953, by WILLIAM E. JENNER and CARL HAYDEN as tellers on the part of the Senate reporting the electoral vote for President and Vice President of the United States for terms beginning on the 20th day of January, 1953, be amended to show that Dwight D. Eisenhower and RICHARD M. NIXON did not each receive the four electoral votes from the State of New Mexico as accredited to them in said statement.

That proposal was conditioned upon a big "if"—that if the committee report were to be adopted, it logically followed that there was no general election in



New Mexico in 1952, and therefore no presidential electors were elected.

I am entirely convinced that the combined returns from all of the voting precincts in New Mexico for the election held on November 4, 1952, correctly recorded the will of a majority of the voters in that State in favor of the four Republican presidential electors pledged to vote in the electoral college for Dwight D. Eisenhower to be President of the United States and RICHARD M. NIXON to be the Vice President.

At the same election on every ballot in every precinct in New Mexico, along with the names of the four Republican candidates for presidential elector, there was printed the name of Edwin L. Mechem, as the Republican candidate for Governor of New Mexico. I am equally well convinced that a majority of the voters in that State cast their ballots in his favor and the compiled returns from all the precincts completely justified the certificate which declared him to be the duly chosen Governor of New Mexico.

On every ballot which contained the names of the candidates for presidential elector and for Governor, there were printed the names of DENNIS CHAVEZ as the Democratic candidate for United States Senator and the name of Patrick J. Hurley as the Republican candidate for that same office. There is no evidence of any kind that any different method was used in counting the votes for United States Senator than for any other candidate whose name was printed on a ballot. The combined election returns from the entire State showed that Senator CHAVEZ had defeated General Hurley by over 5,000 votes.

But General Hurley was not satisfied and caused a contest to be filed which resulted in a recount of the votes for United States Senator in 12 counties selected by him, which was made in accordance with the procedure specified in the election laws of New Mexico. As a result of that recount the recorded majority for Senator CHAVEZ was increased from 5,071 votes to 5,375 votes, a gain of 304 votes, and in due time he was issued a certificate of election which reads as follows:

STATE OF NEW MEXICO.

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November 1952 DENNIS CHAVEZ was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1953.

Witness: His Excellency, our Governor, Edwin L. Mechem, and our seal hereto affixed at Santa Fe, this 29th day of November, in the year of our Lord 1952.

EDWIN L. MECHEM,  
Governor.

By the Governor:

EUGENE D. LUJAN,  
Chief Justice of New Mexico.  
BEATRICE B. ROACH,  
Secretary of State.

Still not satisfied, General Hurley, on December 30, 1952, signed and forwarded to the Senate a petition setting forth numerous complaints about the way in which the November 4 election was conducted,

at the close of which he asserted, "that upon a fair and lawful recount of the ballots cast at said election, wherein the matters and things herein alleged are investigated and given due consideration, this contestant will be decided to be the duly and lawfully elected Senator from the State of New Mexico and declared by your honorable body to have been elected as such Senator on November 4, 1952."

Early in January 1953 General Hurley's petition was referred to the Subcommittee on Privileges and Elections of the Committee on Rules and Administration which, 14 months later, on March 11, 1954, submitted a report by 2 of its 3 members which completely rejects the general's contention that he was elected by making a finding "that the senatorial election did not express that free will of the people of New Mexico" and recommending "that no Member of the Senate was elected from the State of New Mexico in the 1952 general election."

Yesterday the Senator from Oregon [Mr. CORDON] offered an amendment to the resolution, which is the pending question before the Senate. He proposed to insert at the end of the resolution reported by the Committee on Rules and Administration, on page 2, line 3, after the word "Senate," the following words: "And that it is the sense of the Senate that said vacancy should be filled only by election held pursuant to the laws of the State of New Mexico."

The amendment is a very clever move to save the conscience of Senators who have scruples about depriving a Democratic Senator of his seat knowing that he was elected at the same time and exactly in the same manner as the Republican Governor of New Mexico. It is a direct slap at Governor Mechem, and I cannot believe that he will be happy about it.

The amendment is unmistakably based upon the assumption that the 1952 election in New Mexico was so tainted with fraud that Mr. Mechem was not elected to the governorship, but is merely a de facto governor, who has such a poor title to the office that he should not be permitted to make a temporary appointment to fill a vacancy in the representation of his State in the Senate.

The Cordon amendment would deprive the present Governor of New Mexico of a right granted to him by the Constitution of the United States. The second section of the 17th amendment to the Constitution relating to the election of Senators provides:

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided—*

This is very important, Mr. President—

*Provided*, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

Legislation to that effect has been enacted by the legislatures of every State of the Union, including New Mexico.

Since when did the Senate acquire authority to determine that any person is not the duly elected and qualified governor of a State? That is a right reserved to the States—a right which no State will for even a moment concede to the Senate or to any other arm of the Federal Government. The Senate has a perfect right to question the qualifications of anyone approved by a governor to fill a vacancy in the Senate.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. HENNINGS. I should like to have the Senator from Arizona yield for one question on a point which he may or may not have developed, because I was called from the floor for a moment. I do not wish to dilate or elaborate on it, but I should like to ask the distinguished Senator from Arizona whether it is not a basic constitutional requirement and an unquestioned right of every sovereign State of the Union to be represented by two Senators in the Senate of the United States.

Mr. HAYDEN. The Constitution provides that the Senate of the United States shall be composed of two Senators from each State.

Mr. HENNINGS. Is not the Governor of New Mexico, under the State law of New Mexico, required to make such an appointment if a vacancy should exist?

Mr. HAYDEN. Undoubtedly the Governor is required to make such an appointment.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. MORSE. Does the Senator from Arizona agree with me that the pending amendment is a clear violation of the 17th amendment of the Constitution of the United States, if it means anything at all?

Mr. HAYDEN. The junior Senator from Oregon is undoubtedly correct. I am surprised that the senior Senator from Oregon [Mr. CORDON] would offer such an amendment.

Mr. MORSE. According to the CONGRESSIONAL RECORD of yesterday, in one place the junior Senator from Oregon is shown as being responsible for the amendment. I do not claim such responsibility, and I have asked the Official Reporter to correct the RECORD accordingly. I wish to say to the distinguished Senator from Arizona that I have prepared a brief speech on the unconstitutionality of the proposal, which I shall deliver as soon as I can obtain the floor.

Mr. HAYDEN. Mr. President, I well remember when the senior Senator from Oregon [Mr. CORDON] first came to the Senate on March 4, 1944, under an appointment by Earl Snell, the then Governor of Oregon, to fill the vacancy caused by the death of the very able Charles L. McNary, who had represented the State of Oregon in this body for more than 25 years and was respected and beloved by all who knew him.

When GUY CORDON appeared here, we looked him over and decided that he appeared to be a decent sort of a man who in time might make a good Senator, so there was no hesitancy about accepting

his certificate of appointment and allowing him to take the required oath of office. I can add that time has demonstrated that Governor Snell made an excellent appointment, and GUY CORDON has made a good Senator whose industry and ability are recognized by all his colleagues.

But, according to the senior Senator from Oregon, the Senate made a mistake in 1944. An inquiry should have first been made as to whether the election laws of Oregon were so administered that Earl Snell was in truth and in fact the duly chosen Governor of that State and qualified in every respect to appoint Mr. CORDON to fill the vacancy caused by the death of Senator McNary. This would have caused some delay because it is safe to say that in some precincts in Oregon there were voters who did not go into a voting booth to mark their ballots. Unless there was a strict adherence to all the election laws of that State there would be a cloud upon the Governor's title to his office which would have to be cleared up before his appointee could become a Senator.

The pending Cordon amendment, if adopted, would deny to the Governor of New Mexico a right granted to him by the Constitution of the United States, and thereby would supply an additional reason why the entire proposal of the majority of the committee to remove Senator CHAVEZ from his seat as a Senator from New Mexico should be rejected and the substitute proposed by the Senator from Missouri [Mr. HENNING], which declares that Senator CHAVEZ is entitled to retain his seat in this body, should be adopted.

Mr. POTTER obtained the floor.

Mr. KEFAUVER. Mr. President, will the Senator from Michigan yield to me? Mr. POTTER. I yield to the Senator from Tennessee.

Mr. KEFAUVER. Mr. President, I wish to say just a few words in explanation of my own vote on this matter.

I intend to vote in favor of the Senator from New Mexico [Mr. CHAVEZ] retaining his seat.

My own record, ever since I have been in politics, discloses that I have sought to advance the cause of honesty and fairness in election procedures.

I have tried to look at the facts in this case, and it is upon these facts, as reported by the committee which made the investigation, that I have made up my own mind.

Mr. President, I should like at this point to pay especial tribute to the distinguished Senator from Missouri [Mr. HENNING] for the minority views which he has filed. It is difficult to see how any fair-minded person could read the minority views and study them without reaching the conclusion that the senior Senator from New Mexico, based upon the law and upon pure justice, is entitled to his seat.

The facts are, Mr. President, that General Hurley filed a contest, and, on December 10, 11, and 12, of last year, a recount was conducted in 218 voting divisions in 12 counties of New Mexico which had been selected by and at the request of General Hurley. The results of this recount showed that the Senator from

New Mexico gained 304 votes, rather than losing any.

General Hurley then filed his contest with the Senate. The Senate committee ordered a recount in Bernalillo County, comprising approximately 25 percent of the votes in the State. The result of this recount showed that the senior Senator from New Mexico again gained—not lost—94 votes over those originally counted for him.

A recount was then ordered in nine other counties. The Senator from New Mexico held approximately the same majority at the conclusion of the recount in those nine counties as he had at its beginning.

On the basis of these facts, I frankly cannot understand why we are being asked to unseat a Senator who was the choice of his people to represent them here.

One of the most compelling points, to my mind, is what would happen if we should follow the recommendation of the committee majority and declare the entire election void insofar as the Senate seat is concerned.

As originally proposed, the Governor of New Mexico would fill the vacancy. Yet, Mr. President, the Governor was elected at the same time, under precisely the same conditions that applied to the election of the senior Senator from New Mexico and at the same voting places. If he is not entitled to his seat, then the Governor of New Mexico is not entitled to his seat, either.

Mr. President, I am sure that most Members of the Senate read the excellent and forthright editorial in the Washington Post and Times-Herald this morning. The last paragraph of the editorial deals with the unusual problem of a governor who was elected in the same election, under the same circumstances, being given the right to fill the vacancy of the man who would be removed and who was elected under the same circumstances as was the governor. The last paragraph of the Washington Post editorial reads as follows:

If New Mexico's defective procedures make Senator CHAVEZ' election invalid, they also invalidate, of course, the election of the State's Governor and of its presidential electors, indeed of the victors in all the other contemporary electoral contests in New Mexico. The effect would be to disfranchise the State's citizens—a cure rather worse than the disease. Senator HENNING is quite justified in saying that it would "compound injustice" to empower the Governor, "who was chosen at the same election, under the same conditions and circumstances, and by the same voters whom the majority now seeks to disfranchise—to name a successor to Senator CHAVEZ." The result had better be left alone and the State put on notice to conduct its balloting more carefully in future.

Mr. President, the Senator from Oregon [Mr. CORDON] now proposes that the Governor not fill the vacancy, if one should be created. This, of course, would be only advisory on the part of the Senate. If the Governor agreed, it would result in the people of New Mexico not being represented by a Senator, when there has been no showing that the sitting Senator was not their choice to represent them. If this should mean that the senior Senator from New Mexico

would carry on until a new Senator could be elected and qualified, it would be a very unusual situation. It would mean that the election was valid for the purpose of keeping the Senator from New Mexico here for a time, but invalid with reference to keeping him here for the full term for which he was elected.

I inquired about contests for local offices in the State of New Mexico at the time the senatorial contest was being carried on; and I have been informed there were 4, in 1 of which a Democrat won, on the basis of a recount, and the other 3 who asked recounts lost. The few contests for county offices, together with the results, are at least prima facie evidence to me that there was no widespread distrust of the election returns in New Mexico. In the same election hundreds of county officials, Democrats and Republicans, were elected, and no one has insisted that the election should be declared invalid as to all those county officials, many of whom are, of course, Republicans.

Mr. President, my attention has been called to a column of March 19 in the Santa Fe New Mexican, written by Mr. Will Harrison, who is a well-known and highly respected political writer in the State of New Mexico. I am particularly interested in what Mr. Harrison has to say, because he and I were reared together in a small town in Tennessee, and I have known him all my life and have confidence in his judgment. I had not followed his political affiliation, but, according to the newspaper column, he is a member of the Republican Party, or, at least, votes the Republican ticket. I am informed that the Santa Fe New Mexican is a highly respected independent newspaper in the State of New Mexico.

I think two paragraphs of Mr. Harrison's column should be read at this time for the information of the Senate:

The Senate Rules Committee has proclaimed that there was no election in New Mexico in 1952. Hah! Ask Everett Grantham if there was an election out here at that time. He's still nursing swollen eyes.

Mr. Grantham was the unsuccessful Democratic candidate for the governorship of New Mexico. On the principle enunciated by the subcommittee, I assume that if this election is to be thrown out entirely, Mr. Grantham at the present time should be acting as Governor of New Mexico, because in most cases the governor is elected for a term or until his successor qualifies. So, if the theory suggested by the majority of the committee is correct, perhaps Mr. Grantham should be acting as governor of New Mexico.

I read further from the column:

Or try to prove it by Johnny Walker. He still has Dub Evans nightmares.

Mr. Walker was candidate for land commissioner in the State of New Mexico. I do not understand that there is any attempt to declare his election invalid.

The election as it applied to the candidates for United States Senator, we are told by the United States Senate through one of its committees, just didn't come off. Even Pat Hurley, the Senate-running Republican, must have been surprised by that and must



have wondered what kind of a rathole caught the dough that went into that campaign.

The Senate committee investigating the Hurley contest of the election of Senator DENNIS CHAVEZ had three possible conclusions—Hurley, CHAVEZ, or nobody. It took the nobody route which may be the easiest to sell the Senate but it is the one verdict that New Mexico people cannot accept with much confidence. Had the committee gone ahead and said that CHAVEZ was fairly elected, or that Hurley was cheated out of the election, the public would have pretty much gone along. But to say that the election was so confused and corrupt and controverted that the winner could not be determined is too much of a pill for hardly anybody to swallow.

People familiar with New Mexico elections, and most all of us are, know that the election could have been stolen from Hurley, or that it could have gone fair and square for CHAVEZ. To say that it was confused to the point that no winner could be determined is asking us to accept too much. The Senate committee proposes to throw out tens of thousands of votes because there were not adequate secrecy facilities in the polling places.

In that connection, Mr. President, I do not understand that anyone disputes the statement in the minority views that it was the thought of Senator CHAVEZ that there were not sufficient voting places, or that he, or any of his associates, had anything to do with the way in which the election was conducted, which resulted in there being an insufficient number of secret voting booths for the voters. I imagine that all Senators, from the respective States, have experienced elections in which at least some voting places did not provide sufficient secrecy. While such a condition may perhaps have been corrected in some States, it still persists in others. But those were matters over which we had no control, and to say that our seats should be vacated for that reason seems to me to be unreasonable.

I read further from the article in the Santa Fe New Mexican:

The Senate committee proposes to throw out tens of thousands of votes because there were not adequate secrecy facilities in the polling places. I know what they mean. My wife Evelyn and I voted at Leah Harvey Junior High School in Santa Fe where there were only two curtained booths and most people voted up against the walls or at the front of the stage in the auditorium. Nobody looked over my shoulder as I marked an almost straight Republican ballot. And they didn't snoop on my wife either, she's pretty good at blocking off things like that. I wouldn't want to see the results of that precinct thrown out because many of us did vote outside the prescribed secret booths. But that's what the Senate Rules Committee proposes.

Mr. President, all of us deplore the lack of secrecy in the ballot, but it has not been shown or charged that Senator CHAVEZ or his friends were responsible for this situation; and it has not been shown that this condition had any effect upon the actual outcome of the election.

I hope New Mexico will reform its election laws to assure secrecy of the ballot in the future. But what is now proposed in the Senate is an unusual procedure, and I cannot be a party to it.

Mr. MORSE. Mr. President, will the Senator from Michigan yield?

Mr. POTTER. Mr. President, with the understanding that I will not lose my right to the floor, I ask unanimous consent that I may yield to the distinguished junior Senator from Oregon.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Oregon may proceed.

#### THE PROPOSED REPEAL OF THE 17TH AMENDMENT

Mr. MORSE. The Constitution of the United States may be what the judges say it is, but it is not yet what a Senator or the Senate may say it is.

The practice of ignoring court interpretation of the Constitution and the Constitution itself is becoming chronic in the Senate. It is somewhat understandable that this is so. Last year the Senate legislated to overturn the decisions of the Supreme Court of the United States in three separate and clear cases adjudicating the rights of the United States in the submerged lands.

This year a major effort was made to rewrite the Constitution as it affects the treaty power. The Senate got red in the face discussing the Pink case. At least in the Bricker resolution debate the attempt to rewrite the Constitution was made by means of a proposed constitutional amendment.

The process of tampering with the Constitution is getting to be a habit. Now it is the 17th amendment which some in the Senate are attempting to rewrite by an amendment to a simple resolution.

Clause 2 of the 17th amendment hardly could be more clear. The habit of Constitution rewriting may have gone so far that this clear language may have been completely overlooked. It seems in order to state its provisions:

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

The 17th amendment does not say that the State legislature "may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct unless the Senate of the United States declares it will not honor such an appointment."

The amendment proposed by the senior Senator from Oregon can hardly be reconciled with the clear provisions of the amendment which is part and parcel of the Constitution.

Article I, section 5, of the Constitution provides:

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

We are now considering the election[s] and returns relating to the senior Senator from New Mexico. If we were to decide that the election had been defective for some reason of law or policy, the provisions of clause 2 of the 17th amendment would become operative.

The argument seems to be that our power to pass upon the qualifications of a Member appointed by the present Gov-

ernor of New Mexico gives the Senate the authority to judge not the appointee, but the Governor.

This argument ill becomes the self-styled champions of States rights who were so touchingly concerned with the States rights to the gravel and clams lying off the Atlantic and Pacific shores.

What is the explanation for this wondrous transformation? It is simple, if not logical.

If the Senate were to declare that the 1952 New Mexico election was invalid and that no Senator was elected it would in effect, if not in fact—to borrow from the minority report—be declaring that the Governor of New Mexico was not elected, to say nothing of Representatives and presidential electors. But we cannot do anything about the Governor legally, so it is proposed that the Senate ignore him.

The Republican majority of the Rules Committee alleges that the New Mexico election was invalid because voting booths or insufficient or inadequate voting booths were provided. They put forward a tortured argument that voting booths were mandatory and their absence or insufficiency destroyed the whole election.

Even assuming that this were so—which I do not concede for a moment in view, among other reasons, of the actual longtime practice in New Mexico—the Senate has before it a mandatory provision of the United States Constitution which it is proposed be ignored.

If this amendment is only advisory it is simply a mere gratuity; if it is to have any force and effect, if it means that the Senate ought to ignore any action taken by the Governor of New Mexico under the 17th amendment, it is unconstitutional.

This goes beyond proposing that two wrongs make a right. It is proposed that the Senate violate the Constitution of the United States to rectify an infraction of a State statute.

This is legal arithmetic, this is moral logic, which escapes me.

The proposal is made to avoid the obvious absurdity of replacing a Senator who was elected in an allegedly invalid election by the appointee of a Governor elected at the same time and under the same circumstances. The majority report does not challenge the senior Senator from New Mexico. It challenges the election.

The expediency of the proposed solution to this obviously ridiculous result of seating the appointee of the Governor has a fatal flaw. It is unconstitutional—blatantly unconstitutional—in my opinion, because all that is necessary to be done is to read the language of the 17th amendment to see that the amendment offered by the senior Senator from Oregon cannot be reconciled with the language of the Constitution.

On the merits, the majority report has not been supported by reliable and probative evidence.

The electoral system of the State of New Mexico is several cubits short of perfection. So far as appears, the methods employed in the election of 1952 have not been improved by State legislation.

Statements presented in the majority report make it clear that voting booths have never been used in certain precincts of the State despite the existence for many years of a statute which requires commissioners of election to provide them. There are other defects in the methods employed by the State.

However, the imperfections were not such as to provide the State with evidence which affected the results of its recount. The incomplete recount conducted by the subcommittee tended to support the result of the State recount. The various allegations of the majority report are confused and unsupported by evidence upon which the Senate can reach a reasoned conclusion. The conduct of the successful senatorial candidate is not, however, questioned.

Clearly the New Mexico electoral system can be improved. So can the systems of other States.

The Congress has seen fit not to enact comprehensive legislation governing the conduct of elections for Federal office. It has permitted inequities of the kind disclosed in *MacDougal v. Green* (335 U. S. 281 (1948)) to go uncorrected. Congress has permitted outlandish gerrymandering of congressional districts to be perpetuated and perpetrated. Congress has permitted presidential primary practices to go totally unregulated so that the popular will can be thwarted completely.

It is respectfully suggested that before we rewrite the 17th amendment on the floor of the Senate, before we declare the Governor of New Mexico persona non grata—as we have no right to do—we discharge the responsibilities of Congress to protect the integrity of elections to Federal office.

I shall vote this afternoon to confirm the right of the senior Senator from New Mexico to the seat he now occupies. In my judgment, on the basis of the majority report, there is nothing in it which would justify my voting to unseat the senior Senator from New Mexico simply because the New Mexico Legislature has not improved the election laws of New Mexico as I, as a citizen of this country, think such laws should be improved. I shall vote to seat the senior Senator from New Mexico because, in my judgment, under the provision of the Constitution that "Each House shall be the judge of the elections, returns, and qualifications of its own Members," there has not been presented by the majority report, or by any argument on the floor of the Senate, a scintilla of evidence which would justify my voting to unseat the senior Senator from New Mexico.

I wish to thank my good friend, the Senator from Michigan, for allowing me this time to make the statement, so that I may attend a conference.

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Oregon yield for a question?

Mr. MORSE. With the permission of the Senator from Michigan.

Mr. POTTER. I yield.

Mr. JOHNSON of Colorado. I wish to propound a question to the Senator from Oregon. In reality, is not the question before the Senate a proposal for the expulsion of a Senator?

Mr. MORSE. That is what it amounts to in fact and in effect, although that is not the form of the proposal.

Mr. JOHNSON of Colorado. It amounts to that in fact. Is it not true that a two-thirds vote is required to expel a Senator?

Mr. MORSE. The Senator has, of course, correctly stated the vote required for expulsion.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Michigan yield so that I may suggest the absence of a quorum, without his losing the right to the floor?

Mr. POTTER. I yield to the distinguished minority leader.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PAYNE in the chair). The secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I have previously discussed with several Members who are interested in the matter, the question of determining the time for taking the vote on the New Mexico senatorial election contest. I hold in my hand a proposed unanimous consent agreement which I should like to bring to the attention of the Senate and have considered by the Members. Then, if there is no objection, I should like to have the proposed agreement entered.

It reads as follows—and if agreeable to the Senate, I now offer it on behalf of the majority leader and the minority leader:

*Ordered*, That, immediately upon the adoption of this agreement, on the calendar day of Tuesday, March 23, 1954, after 4 hours of general debate, the Senate proceed to vote without further debate upon any amendment or motion (including appeals) that may be pending or that may be proposed to Senate Resolution 220, declaring the judgment of the Senate to be that no person was elected as a Member of the Senate from New Mexico in 1952 and that a vacancy exists in the representation of that State in the Senate; and on question of agreeing to the said resolution: *Provided*, That no amendment that is not germane to the subject matter of the said resolution shall be received.

*Ordered further*, That the time be equally divided between the proponents and opponents of the resolution, and controlled, respectively, by the Senator from Wyoming [Mr. BARRETT] and the Senator from Missouri [Mr. HENNING].

Mr. President, if the agreement is entered into—and I have previously discussed it, as I have said, with the majority leader—the Senator from Wyoming [Mr. BARRETT] will control 2 hours of the time, and the Senator from Missouri [Mr. HENNING] will control 2 hours; and at approximately 5:15 p. m., if all the time is used, we shall proceed to vote on the various amendments, substitutes, and the original resolution; and we shall be able to plan our time accordingly, and Senators will be able to make arrangements for their schedules for the remainder of the week. So I think such

an arrangement will be very helpful to everyone concerned.

After all, Mr. President, on tomorrow we hope to reach the excise-tax bill. The present act has an expiration date, of course.

So I hope all Members of the Senate will cooperate, and I believe the best way to do so is by agreeing on a time when debate on the pending subject shall be concluded.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. SALTONSTALL. Mr. President, reserving the right to object, although I shall not object, I desire to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Massachusetts will state it.

Mr. SALTONSTALL. Is the further consideration of the so-called Cordon amendment to be included within the proposed agreement?

The PRESIDING OFFICER. Yes.

Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and it is so ordered.

Mr. POTTER obtained the floor.

The PRESIDING OFFICER. The Chair advises the Senator from Michigan that the time is controlled under the provisions of the unanimous-consent agreement just entered.

Mr. POTTER. Mr. President, in the absence of the Senator from Wyoming [Mr. BARRETT], I shall control the time on the Republican side.

At this time I yield myself one-half hour.

The PRESIDING OFFICER. The Senator from Michigan is recognized for one-half hour.

Mr. POTTER. Mr. President, in December 1952 there were filed against my election in the State of Michigan certain charges of irregularities, which were investigated by a subcommittee of the Senate Committee on Privileges and Elections. So I well know the anxiety existing on the part of the senior Senator from New Mexico [Mr. CHAVEZ] in connection with the New Mexico situation, and I also know how much it means to a Senator to have the facts in connection with such a matter presented in an objective and fair manner.

Mr. President, the report of the Committee on Rules and Administration in no way whatsoever reflects upon the integrity, ability, or honesty of the distinguished senior Senator from New Mexico.

An assignment to serve on the Subcommittee on Privileges and Elections is, at best, one of the most disagreeable tasks a Senator can have imposed upon him. By the same token, when a Senator is placed upon the subcommittee he assumes a responsibility to his colleagues to ascertain the facts and to present them in an objective and fair manner, regardless of partisan considerations.

The present controversy is not between Senator CHAVEZ and General Hurley. I shall be frank to admit that when our subcommittee first went to New Mexico to investigate the alleged irregularities, as set forth by General Hurley in his petition, I was not too sympathetic toward the charges made by General Hurley. However, after learning the facts disclosed as a result of the investigation,



and after hearing the witnesses who appeared before the subcommittee while we were in New Mexico, I realized that in New Mexico one of the cornerstones of our American form of government, namely, the sanctity of the ballot, was grossly violated, and that therefore there was a general breakdown of the entire election structure in that State.

Our charge in this contest is not against the senior Senator from New Mexico. Our charge is against the election machinery, and the officials responsible for the breakdown of the election machinery, which made it impossible to determine who won the senatorial election in the State of New Mexico.

During the course of the debate there has been considerable effort to place the responsibility—if blame or responsibility there is, which I do not concede—upon our chief counsel and other members of the staff. In order that the RECORD may be correct, I wish briefly to review the procedure by which members of our staff were selected.

The general counsel, Wellford H. Ware, was a member of the committee staff long before either the Senator from Wyoming [Mr. BARRETT] or I were members of the committee. He worked as a minority member when the now minority party, then the majority party, was in power.

The chief of the investigating staff was a man named L. Stanley Kemp, who was obtained from the FBI. He had a great deal of training, and those who know him must be convinced of his objectivity in considering the many problems which confronted him.

When we went to New Mexico we obtained the cooperation of the dean of the law school of the University of New Mexico. We obtained his recommendations as to investigators whom we might employ. Investigators were employed on the basis of their competency and impartiality, and on the basis of not being affiliated with either General Hurley or Senator CHAVEZ. No inquiry was made on behalf of the committee as to the political affiliation of the investigators, and to this day I do not know the political affiliation of a majority of the members of the staff who were working on the New Mexico election contest.

We employed six investigators from the University of New Mexico law school. Three of them were the top men in their class. We also employed, by agreement of both parties, Prof. John Bauman, of the University of New Mexico law school, as our chief tally clerk, and he later became the legal director of the recount. I cite these facts to assure Members of the Senate that the Committee leaned over backward in an effort to be objective and impartial in the treatment of this subject.

In order to insure objectivity on the part of members of our staff, a manual of operating rules for all staff employees was prepared, and the rules were enforced. The cardinal rule was that recount investigations be totally objective, and that only the facts be obtained. The committee ordered the chief counsel to confer with both parties prior to the recount so that both parties could participate fully in drawing up rules for the

recount. Conferences were held on April 27, May 1, May 7, May 11, and May 27, 1953.

Seventeen stipulations were agreed upon by both parties. The subcommittee held hearings in relation to the motion of Senator CHAVEZ to dismiss the contestant's petition, and for a bill of particulars. Rather than arbitrarily deny a bill of particulars, as has been done in most cases, the committee set aside a full day in New Mexico to hear counsel representing the senior Senator from New Mexico on his motion and petition for a bill of particulars. This was done to insure that Senator CHAVEZ' rights were protected at all times.

The enforcement of the rules relating to the recount insured beyond any possible doubt strict objectivity. Each of the contestants furnished four challengers to represent him in the examination of the ballots. Each challenger was given the right to examine every ballot and to challenge any ballot for any reason. The same procedure was used in the examination of the registration records.

As a practical matter, with rules so carefully drawn and procedures so closely followed, it would have been absolutely impossible for any staff member to have been other than fair and objective.

As proof of the fair conduct of the recount, I wish to refer to an article which was written for the Albuquerque Journal by Reporter Bob Brown, who made a complete tour of the recount room and studied the procedures. I wish to quote some pertinent portions of his article. The article was published in the Albuquerque Journal of July 19, 1953:

A complete tour of headquarters shows that every step in the complicated process is under the eyes of representatives of both Senator CHAVEZ and Patrick J. Hurley.

Another portion of the article states:

A weary day at the now famous Hurley-Chavez recount headquarters would probably convince any observer that the actual physical recount is being conducted on a nonpartisan basis.

I cite that as a basis for our belief that everything possible was done to insure an impartial investigation, and that those who had knowledge of the recount were convinced that an impartial investigation and recount took place.

One of the key questions in the present controversy involves the secrecy of the ballot. As a result of the investigation approximately 55,000 votes were placed in jeopardy because of noncompliance with the secrecy-of-the-ballot provisions of the laws of New Mexico.

Mr. President, I think it is wise at this time to go back in our history and determine what was the main reason for the adoption of the Australian ballot. It was to make sure that the free will of the people of a given area who are responsible for the election of their own officials would be properly expressed. When secrecy of the ballot is violated, whether someone is looking over the shoulder of the voter while he votes, or whether he is in a room with other persons, with no opportunity to vote in

secret, he is intimidated. Such intimidation need not take the form of an order, "You vote so and so"; but the mere fact that a voter is denied the privilege of voting in secret leaves the way open for intimidation.

I have before me, and I show to the Senate, one of the sample ballots used in the State of New Mexico. This is one of the small ones, and here I have one of the large ones.

I ask, Mr. President, when a citizen marks his ballot on a school desk, with other people present in the room, how is he going to hide the way he voted? Why should any citizen be required to hide or put a ballot in his coat, or turn his back? There is nothing to be ashamed of in voting. The main criterion is that a citizen be able to vote in secret. But when a citizen has to vote in the open, with other people in the same room, he is being forced to be ashamed, to hide his ballot, and to sneak.

Mr. President, Senators can see by this ballot how impossible it would be to maintain secrecy of the ballot if a person were required to mark the ballot on a school desk.

We have spent billions of dollars and have lost the blood of many American men in fighting for what we like to call freedom throughout the world. How can we, in our smugness, say to the people of East Germany, "We want you to be a free people; you must have a secret ballot"; and how can we say to people in other areas of the world, "The cornerstone of freedom is the secret ballot," and then sweep our protestations for secrecy of the ballot under the rug, so to speak, because there happen within the borders of the United States cases of the secrecy of the ballot being ignored?

Mr. President, at one of our hearings in New Mexico, at which 68 voters of the State of New Mexico appeared before us, I well recall one voter, a young man, who had returned from Korea. In New Mexico it is possible to determine how a voter voted, because of the number of the ballot is hidden, and in a recount the number can be revealed on the ballot. By checking the poll book against the number it is possible to tell who voted the ballot.

The young veteran, when he saw his ballot, said, "I did not put those marks there." I do not recall whether the ballot was marked for Senator CHAVEZ or for General Hurley. The young veteran said, "I did not make this mark. This mark was made by someone else."

Then he went on to say—and I am paraphrasing what he said, because I cannot recall his exact words—"Senator, I just came back from fighting in Korea. I fought for the principles imbedded in this Government, and it makes me ashamed when my own ballot has been tampered with."

Mr. President, this is not a trivial matter. It is not, as has been mentioned, something that refers to the paraphernalia of an election. It is the very cornerstone of a free country. Fifty-five thousand votes have been thrown out in the State of New Mexico because secrecy of the ballot was not accorded to those voters.

The investigation covered the entire State. The voters we interviewed were

selected at random, without prior knowledge of their identity, and with no regard for or knowledge of their political affiliation. Voters in all walks of life were interviewed. The committee hired investigators who spoke Spanish, to interview the voters who speak only Spanish. The voters we interviewed were cooperative and expressed deep interest in the type of election followed in New Mexico. Many voters were disillusioned and disheartened by the loose system under which they were forced to vote.

Proof of the voters' concern about their election system was attested by the fact that approximately 2,500 of them gave signed and witnessed declarations describing the conditions under which they cast their votes. I should like to refer to a few of those statements at this time. I have before me a statement from Rio Arriba County:

I got my ballot from an election official and went into the next room to vote. Another lady was in the room and already had been there when I came in. She stood beside me when I marked my ballot, and I know she saw how I voted. There were no voting booths or curtain or partitions or other provisions for secret voting. I was not told how to vote. She just stood there, watching.

Mr. President, whether the person is told to vote, or whether the knowledge of how a person has voted is known to other people, such a situation can constitute intimidation of the highest order.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. POTTER. I am happy to yield to the distinguished Senator from California.

Mr. KUCHEL. I should like to say first that I congratulate the Senator from Michigan [Mr. POTTER], the Senator from Wyoming [Mr. BARRETT], and the minority Member, the Senator from Missouri [Mr. HENNINGS], for assiduously devoting themselves to an endeavor to find the truth in a very difficult situation.

I certainly join with the able junior Senator from Michigan in the position he takes with respect to the sanctity of the American ballot. In the deliberations of the committee in New Mexico, were there any instances where the aggrieving of a citizen of New Mexico—in the sense that he was deprived, first, of the right to cast his vote in secrecy and, second, to have it registered in accordance with his own marking of the ballot—resulted in criminal prosecution of any kind thereafter by reason of what the Senator found to be infractions of the election laws of New Mexico?

Mr. POTTER. I would say to the distinguished Senator from California it is my understanding that the office of the attorney general has requested the ballots in New Mexico and other evidence which is in our possession be turned over to him for possible grand jury action, which will take place sometime next week.

Mr. KUCHEL. That is with respect to the office of the United States Attorney General?

Mr. POTTER. That is the office of the Attorney General of the United States. I believe also that the attorney general of the State of New Mexico has

made a similar request. It is my understanding that as soon as the ballots are free from impoundage, to which they are subject at the present time, he has requested we turn over to him both the ballots and the other evidence we have in our possession.

Mr. KUCHEL. I am sure the Senator will agree with me that if a citizen, particularly a returned veteran, was able to state that his ballot had been tampered with by an individual connected with an election board, that fact should have been reported immediately to the appropriate prosecuting agency in the State, and the individuals responsible for that type of dastardly crime should have been prosecuted and sent to jail. I am sure the Senator agrees with me.

I was wondering whether there is any reason why no prosecution has taken place in cases where the violation was sufficiently clear.

Mr. POTTER. In answer to the question propounded by the Senator from California, I think one of the reasons for lack of action at this time has not necessarily been a lack of desire for action, because the Senate subcommittee has the ballots impounded, and we have been working on them up to the present time. We shall relinquish the ballots either to the attorney general of the State of New Mexico or to the United States Attorney General. But the attorney general of the State of New Mexico has asked for the evidence for the past 6 months, and the Senator can be sure that as soon as the matter is disposed of today, we shall relinquish the ballots, and the evidence we have will be turned over to the law-enforcement agencies.

Mr. KUCHEL. I thank the Senator from Michigan.

Mr. POTTER. Mr. President, I wish to make a comment with reference to the distinguished Senator from Missouri [Mr. HENNINGS]. He has been most fair and courteous. It has been a most difficult assignment, and while we have disagreed as to our conclusions and in some instances we have disagreed on our evaluation of the facts, I wish to compliment the distinguished Senator from Missouri for his fairness and his courtesy. I hope our next assignment will be more pleasant than this one has been.

Mr. HENNINGS. Mr. President, will the Senator from Michigan yield?

Mr. POTTER. I yield.

Mr. HENNINGS. I wish to say to the Senator from Michigan, as I said yesterday, that one of the beautiful rewards for an otherwise unpalatable and most distasteful undertaking has been the privilege and opportunity I have had of associating with the Senator from Michigan in an effort to find the will of the Senate and to report the results of the investigation so that the Senate can come to its own conclusions as to the right and proper course of action.

While the Senator from Michigan and I have disagreed as to the evaluation of certain facts and the law in its application to the facts, I wish to credit the Senator from Michigan with the fullest sincerity of purpose, objectivity, and fairness throughout the course of the investigation. I wish to express my gratitude to him for his kindness to me.

Mr. POTTER. I thank the Senator from Missouri.

The PRESIDING OFFICER. The Chair would advise the Senator that his time has expired.

Mr. BARRETT. Mr. President, I yield 15 minutes to the junior Senator from Michigan.

Mr. POTTER. Mr. President, the time has slipped by very rapidly, and while I have many other statements which I had planned to read into the RECORD, I now ask unanimous consent that the affidavit which I have before me be printed in the RECORD at this point in my remarks.

There being no objection, the affidavit was ordered to be printed in the RECORD, as follows:

VELARDE, N. MEX., May 11, 1953.

My name, Antonio Jose Martinez, of Velarde, N. Mex. I am a registered voter in precinct 25, Rio Arriba County, N. Mex., and voted on November 4, 1952.

When I cast my vote last November at the local schoolhouse I did not see any voting booths at the polling place. I marked my ballot on a school desk and saw about 4 or 5 other voters marking their ballots on other desks. Each desk on which they were marking their ballots were about a foot or so apart. It was very easy for anybody to see how the others were marking their ballots. As a matter of fact I saw other people looking at the way some of the voters were marking their ballots. There was no secrecy of the ballot as far I could observe.

In some cases I saw election officials assisting aged voters in voting their ballot, but I did not see these aged voters receiving or signing any affidavits of assistance.

I have made this statement to John W. Benson, a representative of the United States Senate, of my own free will without threat or promise of reward. This statement consists of 2 pages of 1 side each.

TONY J. MARTINEZ,  
JOSE MARTINEZ.

Witness:

JOHN W. BENSON,  
RAYMOND B. GARCIA.

Mr. POTTER. Mr. President, in 273 voting divisions located throughout 25 of the State's 32 counties, attesting to violations of voting secrecy laws, there was followed the general pattern prevailing throughout the State. It was found that the violations fell into three broad, general categories:

First. No voting booths were provided, and absolutely no secrecy was available.

Second. In instances where there were no voting booths, but an attempt was made to obtain secrecy, it was woefully inadequate.

Third. Where booths were provided there were other violations of secrecy.

As to category 1, it involved the most flagrant and wholesale denial of the citizens' right to a secret ballot.

In this category in 163 voting divisions there were no voting booths, and there was absolutely no secrecy. These 163 voting divisions were in 21 counties where 22,281 votes were cast for United States Senator.

There were precincts where voters marked their ballots in open rooms, in the same rooms with election officials. Many voters felt they were voting in secret because no one happened to be sitting beside them at the time. But, as I pointed out earlier in my remarks, the presence of another person in the room



caused a certain amount of intimidation with respect to voting.

With reference to category No. 2, the voting officials provided makeshift facilities, which were entirely inadequate. In this category 70 precincts were involved in 19 counties. The signed and witnessed evidence obtained proves that there was an apparent opportunity afforded for violations of the secrecy laws in the 70 precincts. There were 7,962 votes cast for United States Senator in these 70 voting divisions.

Category No. 3 involves voting divisions where voting booths were provided, but, because of other violations of the secrecy laws, an indeterminate number of voters was affected. It was impossible to vote a secret ballot. These violations generally are as follows:

Failure of county officials to provide an adequate number of booths, thereby forcing some voters to vote outside a booth.

Noncompliance with the law requiring each voter to mark his ballot inside a booth.

Disregard of the secrecy law requiring that physical voting facilities be so arranged and the election so conducted as to be under complete control of the officials.

There were cases where the voting officials were in one room and the booths were in another room out of the control of the election officials.

Besides violations of the secrecy of the ballot, which is one of the major bases of the majority report, there is another factor which particularly distressed me, and about which little has been said up to the present time.

As is the practice in most States, the New Mexico law provides that a voter who is unable to mark his ballot may secure assistance. To protect the rights of such persons, the Legislature of the State of New Mexico has passed mandatory laws, providing the following procedure for the assistance of voters.

A. Voters must be assisted by two poll clerks, but by no other persons.

B. Voters so assisted must sign an affidavit of assistance, which must be attested by two election officials or judges.

C. A notice that assistance was given, and the number of the affidavit of assistance, must be posted in the poll book.

D. The affidavit of assistance must be placed in the ballot box.

The law further provides that voters unable to mark their ballots shall so indicate on the ballot, under affidavit of registration.

What was the purpose of the State of New Mexico—yes, and I believe of every other State in the Union—in providing in its election laws and election code a special arrangement for voters who might be illiterate, blind, or in any other way so incapacitated as to need assistance? The mandatory law was placed on the statute books for the protection of those persons.

I say that in the case of a voter who is illiterate or is blind, the election officials, by not complying with the statute, are taking away, indeed, are stealing, a right from such illiterate or blind voter.

If I desired to control an election in a given area, and if I could violate the

affidavit-of-assistance law, I could control the election in that area.

Mr. President, I wish to read a statement from a voter who required assistance:

My name is Jesus M. Gonzales. I have lived here all my life. I am blind, I went to vote at the Alameda School in the November 1952 election. I asked the officials for assistance in marking my ballot. Mrs. Sena, an official, marked my ballot for me. The chairman would not allow my son-in-law to help me. I told Mrs. Sena that I wanted to vote Democratic. Mrs. Sena told me she had already marked it Republican. I told her to let it go. She folded the ballot and put it in the box. This was a straight ticket.

I make this statement voluntarily and without fear, threats, or promise of reward. This statement has been read to me in Spanish by Flora Gonzales, my daughter, and it is true to the best of my memory.

(His X mark.)

Witnesses: Flora Gonzales and Philip Kennedy.

I desire to read the affidavit of another person who required assistance in the election in New Mexico.

I, Margarita Garcia, am a registered voter in precinct 1-A, Bernalillo County. I was born in Old Mexico, in Juarez, which is in the State of Chihuahua. I have applied for naturalization papers. To the best of my knowledge, these papers are in the courthouse in Albuquerque. I have lived in the United States for the past 10 years. I know I have voted before several times and I think I voted in the general election in 1948. I voted on November 4, 1952, at the San Jose Public School some time between 6 and 6:30 p. m. I went to the school with my husband. I cannot read or write. When I went inside to vote, there was a person with a large book. I gave my name and I got a big paper ballot. Someone told me that people who could not read or write could get help to vote.

The man was circulating around, speaking to people waiting to go in to vote. He was a big fat man, and he cautioned me that if I was going to get help, to get someone from my own party to help me. A daughter of Salomon Sedillo helped me. I told her how I wanted to vote, and she showed me how to mark my ballot. I wanted to vote a ballot using the little squares opposite the individual names. This girl told me just to mark the big circle, which I did. I folded my ballot and put it in a big box. Before I close this statement I want to point out that I did want to mark my ballot for people I wanted to help and for people I knew and had heard of irrespective of parties.

The above statement was read to me in the Spanish language by Patricio Sanchez, a United States Senate investigator, and the words are mine as I told them to him and Alexander J. Jack. The statement is true and correct and covers two pages of one side each.

MARGARITA (her mark) GARCIA.

Witnesses:

ALEXANDER J. JACK.  
PATRICIO S. SANCHEZ.

Mr. President, I have cited these two affidavits as examples of the extensive evidence secured by our subcommittee in order to bring out the fact that, although the legislature has provided a special vehicle for the protection of the voters needing assistance, they have lost that special protection because certain election officials or certain persons failed to provide the voters with the protection which the law requires.

As shown by affidavits, the number of violations of the assistance provisions of

the law in the State of New Mexico was approximately 6,000.

In connection with the recount, representatives of the distinguished senior Senator from New Mexico [Mr. CHAVEZ] and representatives of General Hurley, under staff supervision, examined the registration affidavits of 5 counties. In those 5 counties, 2,480 persons who voted in the election stated, under oath, when registering, that they required assistance in voting. However, the Senate subcommittee recount revealed that only 158 affidavits, indicating that legal assistance as required by law had been given, had been filed by election officials. In other words, of the 2,480 persons who voted and required assistance, only 158 affidavit of assistance forms were filed.

In Bernalillo County, the largest county, of which Albuquerque is the county seat, 593 persons indicated that they required assistance; 446 of those persons were contacted by staff investigators, and 203 of them signed statements showing that they had been illegally assisted. Mr. President, 203 out of 593 is a large percentage.

The same situation prevailed in Rio Arriba County and in other counties which the committee investigated.

In order to save time, I wish to conclude with these general remarks. I desire to restate that this is not a debate as to the fitness of Senator CHAVEZ to serve in the Senate. I personally have a high regard for the distinguished Senator from New Mexico. The members of the subcommittee were charged with the duty of ascertaining who won the senatorial election in New Mexico.

The PRESIDING OFFICER. The Chair must advise the Senator that his time has expired.

Mr. BARRETT. Mr. President, I allot the Senator from Michigan 2 more minutes.

The PRESIDING OFFICER. The Senator from Michigan has 2 additional minutes.

Mr. POTTER. I cannot honestly say, I am not convinced, that Gen. Pat Hurley won the election; I am not honestly convinced that Senator CHAVEZ won the election; but I am convinced that, as a result of the widespread violation and breakdown of the State election laws, I do not know who won the election. That is the reason for the majority report.

Mr. ANDERSON. Mr. President, the Senator from Missouri has allotted me 40 minutes.

In speaking today in opposition to the majority report and in support of the minority views from the Subcommittee on Privileges and Elections of the Committee on Rules and Administration in connection with the Chavez-Hurley contest, I wish to point out at the outset that serving on a Senate committee which must deal with a contest involving a Member of the Senate is at best an unpleasant task. It is particularly complicated in a situation where the division between the parties is as close as it is in this Congress, and where the unseating of a Senator and the replacement of him by a person from another political party would change overnight the political complexion of this great body. Under

such circumstances, the activities and decisions of the subcommittee, and even of the full committee, become extremely difficult, and I express my sympathy to those Members of the Senate who were called upon to do this task. The junior Senator from New Mexico does not intend today to voice criticism of the people who have conducted this work. Whatever I say shall be more in defense of practices and people in the State of New Mexico.

First, let me point out that New Mexico has a law which provides for a challenge and a recount in case either party to an election feels himself wronged. General Hurley availed himself of that provision of the New Mexico law. He applied, under the provisions of New Mexico law, for a recount in 227 divisions. He lost 304 votes by the recount. Therefore, he has taken that one remedy, and it has not changed the election result.

Second, Senate rules and traditions provide for a challenge of an election to the Senate, and afford opportunity for a recount. General Hurley traveled that route as well. He filed his contest, announcing that there had been widespread fraud and that a more correct counting of the ballots would change the election result. Such a count took place in many sections of our State. It took place particularly in my home county of Bernalillo, where about one-fourth of the vote of the State was cast, and where a representative cross section of the citizens of New Mexico reside. That recount did not change the result. Instead, even though the recount was under the constant supervision of the Senate of the United States, Senator CHAVEZ gained 169 votes over the November 4, 1952, results.

Third, no charge is made that Senator CHAVEZ has done anything wrong. The committee never suggested that he or anyone responsible to him had engaged in improper conduct.

Fourth, if the recommendation of the majority should by chance be accepted by the Senate, and the Senate should decree that no person was elected to the Senate from the State of New Mexico in the 1952 general election, there would be an unusual and, I think, wholly indefensible situation. The Governor of the State, elected in the same election by the same challenged ballots cast by citizens in precincts where the same absence of election booths existed and counted by the same election officials whose work is so severely condemned, a governor whose election was certified by the same canvassing board which certified the election of Senator CHAVEZ, would be permitted to set aside the votes of 122,000 voters in our State and on his own motion proceed to name a Senator to represent our State in this great body. That makes no sense to me, and I fervently pray it will make no sense to the other Members of this Senate.

Mr. KUCHEL. Mr. President, will the Senator yield for a question?

Mr. ANDERSON. I am happy to yield to the Senator from California. However, I remind him that I am limited in time.

Mr. KUCHEL. If the amendment now proposed by the senior Senator from Oregon were adopted as a part of the

resolution recommended by the Committee on Rules and Administration, then a different situation would be presented to the Senate, would it not?

Mr. ANDERSON. Yes; a different situation would be presented, namely, that the section of the Constitution which provides that each State shall have 2 Senators would be temporarily set aside, and New Mexico would have 1 Senator rather than 2.

Mr. CASE. Mr. President, will the Senator yield?

Mr. ANDERSON. I would prefer not to yield, but I do yield to my long-time friend, the Senator from South Dakota.

Mr. CASE. The Senator from South Dakota is moved to remark that in such an event as the Senator has mentioned, the State of New Mexico would be represented by a very able Senator; or, I might add, if the situation were reversed, I would still think the State of New Mexico would have very able representation, for I have very high regard for the personal ability and integrity of the senior Senator from New Mexico [Mr. CHAVEZ], whose status here, in my opinion, unfortunately has become involved in a verdict upon the mechanics of an election for which he was in no way responsible.

Mr. ANDERSON. I appreciate the kind words of the Senator from South Dakota, but I shall never regard myself as being able to take the part of 2 Senators; I have difficulty enough doing the work of just 1 Senator.

The junior Senator from New Mexico will not deal at great length with either the majority or minority report, but will comment briefly on a few of the items contained in the report signed by the majority members; and first of all with the subject mentioned in the third paragraph of the general findings and conclusions; namely, that at least 55,000 New Mexico citizens were deprived of their constitutional right to a secret ballot.

Mr. President, secrecy is a right, but not essentially a requirement, of our election. The courts have repeatedly held that our voters are entitled to secrecy, but there is no statute in New Mexico that disfranchises the voters because the election officials fail to perform some duty imposed upon them by the Election Code.

Let me cite a situation to illustrate my meaning. In one of the counties of the State, there is a voting precinct where from time immemorial 1 voting booth, and 1 only, has been furnished. Both Republicans and Democrats say jokingly that that booth is provided for those who want to vote a split ticket. The known Democrats and the known Republicans do not seek special secrecy. They walk into the schoolroom on election day and find widely separated school desks. They mark their ballots on those desks. People who find it necessary to deviate from regular political allegiance can always make use of the little white linen booth provided to give them more secrecy than the separated school desks provide.

This strikes at the very heart of what we mean by secrecy in our ballot. We do not mean that a booth must be so constructed and located that when I cast my ballot people cannot see that I am

there. What really counts is whether they can see what goes on the piece of paper I have in front of me. It is important that someone present in the polling place at that time cannot see what cross I put on my ballot, not whether there is a shine on my shoes. In the sense that secrecy is for the preservation of a clean election, we can usually obtain all the secrecy we want.

After all, the provisions of our laws which relate to the subject of secrecy are for the protection of the voter, and it would be a strange perversion of the theory on which the law is based if the Senate of the United States should now take that secrecy provision, adopted for the protection of the voters, and use it to penalize and disfranchise the voters. The people in my State who were entitled to cast their ballots and did so in the 1952 election were entitled to have their ballots counted, and it is not the business of the Senate of the United States to disfranchise them.

Mr. President, my vote is cast in the rural precinct of Barcelona, near Albuquerque, where I reside. The officials there are tolerant. I do not think the election judges of that precinct would propose to throw out my ballot if I cast it in full gaze of every person in the line waiting for a chance to vote. As a matter of fact, I have some times been rather busy on election day, and on one occasion I know that I was hurried through the line so that I might get to another spot in my county. I placed my ballot on the top of a school desk, marked it with an ordinary lead pencil, folded my ballot, handed it to a judge and left. My guess is that no Republican or Democratic election official serving there that day would have suggested that my ballot was not honestly cast or should not have been counted.

So, as a first consideration, I say that we should remember that secrecy is a privilege and should be available, but if election officials fail to provide booths for secrecy, they do not make the election void.

Mr. BARRETT. Mr. President, will the Senator from New Mexico yield to me?

Mr. ANDERSON. I yield.

Mr. BARRETT. Yesterday, on the floor of the Senate, the distinguished Senator from Missouri [Mr. HENNING] stated—and I concur in the statement—that anyone who used an ordinary lead pencil was voting contrary to the election law of New Mexico, and his vote should not be counted.

Mr. ANDERSON. Mr. President, I desire to finish my statement. At this point I merely wish to state that I have gone into many election booths and I have failed to find there the type of equipment—either pen and ink or an indelible pencil—to which reference has been made. My county happens now to be a Republican county. If the Republican election officials of the county do not take care of me in accordance with the election laws of the State, by providing me with pen and ink or with an indelible pencil, then I intend to use, when voting, the materials given to me, and I pray that the vote I cast when using those materials will be counted.



Mr. BARRETT. I merely wish to say that is just another illustration of the widespread violation of the New Mexico election law. The election statute of New Mexico is violated in every election held in the State.

Mr. ANDERSON. The use of such materials may constitute a violation of the New Mexico election law; but I desire to give the citizens of my State an opportunity to decide whether the election officials there have given the people of the State their just dues.

Mr. President, I shall summon as a witness a very highly respected lawyer of Albuquerque, who was named by a Republican President as United States district attorney. He is a former Republican State chairman, and he is a leading advocate of conservation, and a loyal friend to every worthwhile governmental activity—Hugh B. Woodward. On March 16 he wrote me a letter, which I now read for the information of the Senate:

MARCH 16, 1954.

HON. CLINTON P. ANDERSON,  
Senate Office Building,  
Washington, D. C.

DEAR SENATOR: I notice by the paper that the Chavez-Hurley contest will be considered by the Senate in the near future.

From the press of this State I gather that one contention of the majority membership of the subcommittee is that, due to failure to make provision for entire secrecy in the casting of ballots, the vote of an entire election district or precinct should be eliminated where strict adherence was not had to the statutory provisions for the use of voting booths by the individual voter.

In my thinking, the test should be whether the individual voter was afforded the privilege of secrecy in marking his ballot.

It so happens that I have, for many years, served as an election judge in division E, of precinct 12, Bernalillo County. This particular box serves the population living immediately west of the campus of the University of New Mexico. Many university faculty members and employees live there and the remainder of the area is principally a high-class residential district.

This box, with division F, serving a like electorate, merit the distinction of probably being as independent in their voting as any segment of the entire New Mexico electorate.

For years the balloting in our box has taken place in one of the university buildings with exceptionally good facilities. The actual voting takes place in a large lecture room, probably 30 feet by 40 feet in area. It is supplied with 40 or 50 student chairs, each of which has upon the right arm of the chair an oval or oblong attachment to permit the student to write and make notes.

About 6 collapsible pine booths are furnished at each election which are erected. Each booth has an enclosed space about 2½ feet by 3 feet, in which there is a pine board on hinges which is so constructed that the ballot may be placed thereon and marked.

At times during the 1952 election and in every other election for many years, a line of voters forms waiting a turn to receive and mark such voter's ballot. By agreement among the election officials, we have always said to the individual voter during such time of rush that if anyone having received a ballot desired to go to one corner of this room, sit down in one of these classroom chairs and mark the ballots at the leisure and convenience of the voter upon the platform arm of the chair, such voting is entirely permissible.

The voter then folds the ballot and delivers it to the election judge for deposit in the ballot box.

This method of handling the voting for the convenience of the voter has been followed without any objection on the part of anyone.

It is my conception that provision for the secrecy of voting is a personal privilege of the voter and so long as the voter has such opportunity for such secrecy there is no special sanctity in marking a ballot on a pine board behind a muslin sheet.

To invalidate the entire vote of a voting division because some ballots were not actually marked in the flimsy cubicle provided, but were marked under the observation of the election board with entire secrecy, outside the booth, would be, in my judgment, untenable and would deny the right of franchise to many honest and intelligent voters.

I so voted at the last general election and have done so many times in the past.

In this particular box, in the 1952 election, 261 ballots were cast for General Hurley, Senator CHAVEZ received 144 ballots, reflecting a majority in favor of General Hurley of 117 votes.

I have been voting and acting as an election official in this election division for more than 20 years. The same practice, above outlined, has been followed and there has never been any complaint or criticism that each elector has not been permitted to cast a secret ballot; nor that any ballot in the division has not been accurately canvassed, tabulated, and reported.

As you know, I am a lifetime Republican and have always acted as a Republican judge.

We have found that the practice as above outlined has greatly facilitated the comfort and convenience of voters whose time to appear and vote has been limited and who could not stand in line for a lengthy period of time in order to mark a ballot in a voting booth.

I write this letter in the interest of fairness.

I believe that where no voter has been willfully deprived of the privilege of marking a secret ballot, neither the voter nor any candidate has just ground for complaint.

I believe further that to throw out the entire vote of a box or division because some persons did not vote in the so-called voting booths would be an unjust and outrageous deprivation of many voters' right of franchise.

You are at liberty to use this letter if you so desire.

Respectfully yours,

HUGH B. WOODWARD.

Mr. President, I point out that that particular box went, by a majority of 2 to 1, for the Republican nominee for election to the United States Senate.

Mr. President, that letter comes from a man who was a Republican judge in the election precinct, and was nominated by a Republican President and confirmed by this Senate to be United States district attorney for the State of New Mexico, and was chairman of the Republican Party in the State. It will be noted that Mr. Woodward states in his letter that he voted in the fashion that I have previously described, namely, by marking his ballot on a school desk, but not inside a voting booth.

Now, Mr. President, I move to the fourth paragraph of the general findings and conclusions, and read these words:

It is a notorious fact that whenever a political machine sets out to control the State, it first seeks to pervert in some fashion the secrecy of the ballot.

It is to that language that I desire to address a few remarks. Under our law in my home county of Bernalillo, the responsibility is on the county commis-

sioners to provide sufficient booths for the election. To be sure, the county clerk is also required to assist in delivering the booths, but the responsibility to provide a sufficient number of them is on the county commissioners. In the 1952 election, when there was a failure to provide sufficient election booths, the control of the county commission was in the hands of Republicans. The Governor of the State was a Republican; the members of the tax commission, which had to pass upon levies made to obtain supplies for conducting elections, were chiefly Republicans. So, if there is justification for any comment that a corrupt political machine was setting out to control the State, and was preventing in any way the secrecy of the ballot, that observation is made about Republicans, not about Democrats. It is made about the political opponents, not the political allies, of Senator CHAVEZ. The fault, if any, must rest with the persons who tried to prevent his election, not with the Democrats who tried to bring it about.

Mr. President, I now turn to the top of page 4 of the majority report, and read as follows:

If there were no other violations of law, on this issue alone the committee would be forced to recommend to the Senate that the senatorial election be set aside for failing to express the free will of the people.

Why just the senatorial election, Mr. President? Why not set aside the election of the Governor, the only major office captured by the Republicans in the past election? Every Democratic candidate but one, on the congressional and State tickets, was elected, and that was the candidate for Governor. So why pick out just the senatorial race? If the question of secrecy was compelling enough to disqualify Senator CHAVEZ from sitting in the Senate, why not throw out the Governor, as well? Would the Lieutenant Governor, a Democrat, then assume control of the State of New Mexico and appoint the new Senator? Oh, no. If the Senator and both Representatives and the Governor were to be disqualified, the Lieutenant Governor would have to be disqualified, since he was in that election. And so we would go down the list, trying to find someone who would be able to assume responsibility for the administration of the State of New Mexico. There is not a single line or provision of law that would say who could take charge under the theory suggested by this recommendation. So I do not think only the senatorial election can be thrown out.

The lines opening the next paragraph read as follows:

One of the most widespread and unconscionable violations of laws was the failure of election officials to protect the rights of the illiterate, blind, and physically handicapped voters.

Here, again, the Republicans must assume the responsibility. If the rights of a single illiterate, blind, or physically handicapped voter were not adequately protected in Bernalillo County, where the committee so carefully investigated the conduct of our election, then the fault lies either with the Republican-controlled county commission, which had general charge of the election, or with

the judges and clerks of election in each precinct, who were named by the Republican-controlled county commission. Not one election official in one precinct of Bernalillo County was named to that position by a Democrat; to the contrary, each was named by a Republican-controlled county commission. If the rights of an illiterate, blind, or physically handicapped voter were violated, then it was an act of the Republican Party or representatives of the Republican Party, not the act of any Democrat. So why toss out the Democrat? Why not toss out the Republican?

I go to the next paragraph, which begins:

Evidence of fraudulently altered ballots in the nature of sworn testimony, sworn affidavits, and signed statements was secured in 33 precincts where 17,325 persons cast their ballots. The committee is forced to conclude that the ballots in these precincts are thus tainted with fraud.

Whose fraud, Mr. President? Was it the fraud of the Democrats, who did not have the control of the election, or the fault of the Republicans, who did?

In the next paragraph there are these words:

The committee found the registration laws in New Mexico were grossly violated. The registration system is so loose and ineffective that it is an invitation to fraud and dishonesty in election.

With that, Mr. President, there may be some agreement. The registration system in New Mexico may not be working too well. But I have had no trouble with my registration. I am a voter in precinct 32, which is the Barcelona precinct, a rural area south of the city of Albuquerque. Within the last few months, the county commissioners of Bernalillo County have divided the Barcelona precinct because it is a rapidly growing area. Hereafter, I shall be a voter in precinct 32-B, but I was left in no confusion. The county clerk of my home county has already sent cards to me and to members of my family, telling us that we now reside in precinct 32-B, that our registration is up to date, that my registration number is 358,797, that Mrs. Anderson's registration number is 358,114, and that we may vote there when the next election occurs. I expect to go to the polls with my wife, with my son and his wife, and with my daughter and her husband, and I am confident that when we reach the polling place, we will find that all of us are properly registered and that there will not be the slightest difficulty in issuing us our ballots and giving us secrecy, either at a voting machine or a voting booth.

Having said that, I wish to express my full concurrence in the recommendation of the majority members of the subcommittee, namely, that the Legislature of the State of New Mexico take immediate steps to place the registration system on a nonpartisan basis and to determine definite responsibility for its administration.

Now, Mr. President, I come to another paragraph in which the report speaks of the general conduct of the election at the precinct level and stresses the need for

greater and more effective supervision. There are these words:

In many precincts party chairmen dominated the conduct of the election. Campaigning was permitted within the polling place and a general state of disorder existed.

Mr. President, I knew that something happened to us in New Mexico in the last election. I could sense that a state of disorder existed, but I did not know its cause. When I ran in 1948 as a candidate for the Senate, I carried Bernalillo County by a majority of 3,300 votes against General Hurley, who was then, as in 1952, the Republican candidate for the United States Senate. When the county which President Truman carried in 1948 by 2,000 votes, goes 11,000 votes for Eisenhower in 1952 and when General Hurley can carry it in 1952 by 3,500 votes when I carried it against him in 1948 by 3,300 votes, then I agree with the subcommittee that a general state of disorder must have existed and I am just as grieved about it as are the Republican members of the subcommittee who wrote the report.

Let me turn next to the claim that—

County and State officials made no effort to determine the eligibility of voters living on United States Government military reservations. As a result, in Bernalillo County alone over 1,900 voters, some of whom undoubtedly are qualified, are in a state of suspense as to their rights.

Mr. President, that is a situation which calls for attention. We had similar trouble at the atomic installation at Los Alamos in 1948, and when I came into the Senate I introduced a bill to permit the people at Los Alamos to vote. The able senior Senator from Iowa [Mr. HICKENLOOPER], had also introduced a bill with the same purpose. I am happy that the Congress passed legislation permitting the very fine and intelligent people who live and work at Los Alamos to cast their ballots without any challenge whatever as to their right to do so.

I feel that way about the three types of installations which we have in the State. First there is the very important installation known as Sandia Base, which is connected with the atomic-weapon program. My colleague [Mr. CHAVEZ], has presented a broad bill on that subject which was referred to the Joint Committee on Atomic Energy. I have asked to have the bill revised by that committee to cover only the atomic-energy installations in our State. The vote at Sandia Base in the 1952 election on the Senator totaled 1,121, of which General Hurley received 763 and Senator CHAVEZ received 358. Surely no one would claim partisanship if Senator CHAVEZ and I join in an effort to permit these people in that Republican precinct to vote without danger of challenge to their ballots. I do believe that the circumstances and the functions at Sandia Base are such that exclusive jurisdiction of the entire area should not be taken from the United States and given to the State of New Mexico, but that the residential district alone should be so changed and that voting might thereby be made valid while the rest of the area could remain under the exclusive jurisdiction of the Government.

Second, I am preparing a bill, in which I hope to join with other Senators, which would permit people at the military installations in New Mexico to vote. These military installations, such as the one at White Sands Proving Ground, are associated with our atomic energy program and are not the usual military post. Third, there are employees and patients at the veterans hospitals who should vote, and if the laws of New Mexico cast some question on their voting, I shall be happy to do what I can to work out the problem at the earliest possible moment.

Now if I may proceed with the majority report, there is this paragraph:

In Dona Ana, Lincoln, and Otero Counties a district court judge illegally and prematurely burned the ballots, having full knowledge of the pending Senate contest. As a result of this illegal act over 13,000 ballots cast by honest voters have been placed in a state of suspicion.

That section, I think, calls for extensive comment. In the first place the ballots were burned. The judge says he made an honest mistake. I have read the testimony on this point, and it would appear that if the judge had checked the law, he would have found that before the ballots could be burned, 75 days had to elapse after the adjournment of the State canvassing board, and not 75 days after the election. It is that error on the part of the judge which worries the committee and has bothered a great many people. The judge has given his own explanation, and within the past few days has released a very strong statement on the case, so that I think his point of view needs little further explanation by me.

The judge points out that the ballots were burned 5 days before the subcommittee ordered an investigation of the New Mexico election and that there had been no proper legal notice to any judge that the ballots had been impounded. I have no way of knowing what would have happened had the committee earlier tried to take charge of the ballots, but I do wish to make two points.

The first is that Judge Scoggin must not be regarded as a close political or personal friend of Senator CHAVEZ. I have known him and his father for a great many years. While his father lived in New Mexico, he so conducted himself in elections that he would not be regarded as a partisan of Senator CHAVEZ. I think that is a conservative statement. The father has now moved to California and corresponds with me regularly. I doubt if he corresponds with many other persons active in public life other than his own son, and I mention my correspondence with him only to indicate that I have very complete knowledge of his political alliances, and I know that he was no supporter of Senator CHAVEZ. His son, the judge, has much the same record. I am not trying to testify that Judge Scoggin did not vote for Senator CHAVEZ in the last election, but I do make the point that by no stretch of the imagination could he have been regarded as a CHAVEZ partisan and thereby give explanation for his unfortunate action in ordering the premature burning of the ballots.



The second thing is of more significance to me, and it is that Judge Scoggin has just been nominated for reelection and is without opposition in either party. The primary will not be held until May 4, but there is no other name on the ballot for his judgeship, so he will automatically become not only the Democratic nominee, but for the first time that I can recall in the history of Dona Ana County and that judicial district, the Republicans have not nominated an opponent against him.

That is unusual. Dona Ana County has recently been a Republican County. It is the home of the present Governor of the State of New Mexico, a Republican. It is the home of the chief tax Commissioner of the State, who flirted for a while with the idea of running for Governor in the recent Republican primary. For some strange reason the Republican high command decided that there was not to be a candidate in this election against Judge Scoggin. I say to the Senate that if the community where he lives had been outraged by what Judge Scoggin did, if, as the committee intimated, Judge Scoggin acted in bad faith, I think the good people of that judicial district, regardless of party, would have risen in their wrath and made certain that the strongest possible candidates were placed in nomination against him on the tickets.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. ANDERSON. I am trying to stay within the time allotted me, but I am glad to yield.

Mr. LONG. How long after the election was it that these particular ballots were burned?

Mr. ANDERSON. They were burned 5 days before the end of the time that should have elapsed. Therefore, they were burned 70 days after the State canvassing board had finished its work. I think it is absolutely certain that they were not burned at the time they should have been burned under the law, but were burned prematurely.

Mr. LONG. How many days after the election did the State canvassing board meet?

Mr. ANDERSON. I would have to check into that in order to be sure. I should say probably 6 days. So there was a different interpretation in the judge's mind. He thought the period was 75 days after the election. Actually, it was 75 days after the time when the canvassing board should have met. Either the judge did not look up the law, or, if he looked it up, he remembered it wrong. In any event, there is no question that he improperly burned the ballots.

Mr. LONG. If the judge thought the law said 75 days after the election instead of 75 days after the canvassing board met, was it an honest mistake?

Mr. ANDERSON. It probably was an honest mistake. I think the people of his district believe it was, because it is a district which could be heavily Republican; and yet the Republicans of that district did not nominate a candidate against him. This is the first time in the history of the State, so far as I can remember, that there has not been a

Republican candidate for judge in that judicial district.

Mr. BARRETT. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. BARRETT. I think it is only fair to state that in his order the judge said that 75 days had elapsed since the canvassing board completed its work. Now he says he thought the law provided that the 75 days should start to run from the date of the election. A man who is a judge, a man who is supposed to be learned in the law, and who writes out a simple little order consisting of about 50 words, saying that 75 days have elapsed since the canvassing board closed its sessions and later says, "I thought, really, that the law set a date 75 days from the election" is not fit to be a district judge.

Mr. ANDERSON. I wish only to say, and then I should like to proceed with my remarks, that the Republicans who live in that area—and sometimes, Mr. President, a man's neighbors are the best judges of his character—did not nominate an opponent against this judge. I have been in that district, campaigning regularly. I took my first plunge in New Mexico politics in 1920, which is not as early as my colleague did. However, I was State Democratic chairman 25 years ago, and I can say that I never heard of a situation where the people in Dona Ana, Lincoln, and Otero Counties did not put up a candidate for district judge in that district. This time, after the judge had burned the ballots—and I admit improperly burned them, although he correctly phrased the order—no opposition candidate was nominated to run against him. I do not want to go into a discussion of this point, but probably the judge asked the district attorney to prepare an order, and the proper order was prepared, and it properly set forth the law. The judge signed it without checking it and then went on his way.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. HENNINGS. I do not want to transgress on the time of the distinguished Senator from New Mexico, but I should like to ask him whether it is not important to remember that the three counties which comprise the district of the judge who has been criticized and stigmatized as being either corrupt or ignorant, or both, were carried by General Hurley?

Mr. ANDERSON. Yes; I can point out that that district was carried by General Hurley, against Senator CHAVEZ, by about 53 votes. I may say also that he lost it to me by 2,000 votes, but there was a different situation at that time. He carried it against Senator CHAVEZ by a small majority, perhaps 700 votes, in 1946.

The point I wish to make, Mr. President, is that in 1952 the Republican candidate for governor carried that district by a 3,600 majority out of a total of 18,000 votes cast. It is regarded as a Republican district. If the Republicans had been outraged by the burning of the ballots, why did not the Republicans nominate a judge to run against a man who had ordered the burning of the ballots? That is all I have to say.

In the 1952 election in Dona Ana County the Republican candidate for governor got 6,362 votes and the Democratic candidate got 4,129. In Lincoln County the Republican candidate got 2,070 votes and the Democratic candidate got 1,069. In Otero County the Republican candidate for governor got 2,587 votes and the Democratic candidate got 2,137. Therefore, as I have said, the Republican candidate for governor carried the three counties which make up this judicial district by 3,600 majority out of about 18,000 votes cast. Surely under those circumstances the Republicans would feel that in the 1954 election a Republican candidate for judge would stand a fairly good chance of election. There are many high-grade Republican lawyers in that judicial district, and it strikes me as certain that if people in that judicial district were indignant against Judge Scoggin because of the burning of 13,000 ballots, there would be a Republican candidate for district judge against Judge Scoggin. I allow the Members of the Senate to put on this fact such interpretation as they may desire, but whatever the actions of Judge Scoggin were, they were not so serious as to outrage the Republican leadership in the State of New Mexico nor particularly in the judicial district where Judge Scoggin had to be a candidate. The fact that Judge Scoggin is unopposed where only 6 years ago he had heavy opposition ought to indicate to the Members of this body that the Republicans in his home district were not as disturbed by the burning of the ballots as were the majority members of the Senate subcommittee.

After the members of the subcommittee had recited their complaints they set forth their recommendations. They suggest that because 55,000 citizens did not have an opportunity to cast a secret ballot because of insufficient voting booths in counties under control of Republican county commissioners who appointed a majority of Republican judges and clerks of election, that because the voter assistance laws were disregarded by these Republican judges and clerks of election, that because ballots were altered while in the hands of Republican judges and clerks of election, that because the people living on military reservations had not had their rights to vote determined by our courts, that because 13,000 ballots were prematurely destroyed, the committee comes to the conclusion that the November 4, 1952, Senatorial election did not express the free will of the people of New Mexico. Then, Mr. President, comes an amazing conclusion—that because of the items they have listed, the majority members of the subcommittee feel that no Member of the Senate was elected from the State of New Mexico in the 1952 general election, and that as a result of that conclusion, the Governor of our State, who ran in the same election, should be permitted to set aside the votes of 122,543 people who cast their ballots for DENNIS CHAVEZ for the United States Senate and pick the man of his personal choice to come to the Senate of the United States.

What would we be doing, Mr. President, if we adopted that resolution of the subcommittee? We would be saying that 240,000 people can go to the polls and vote, but because a Senate committee is not able to determine who was the winner of the Senate race, the wish of the people of New Mexico shall be set aside.

I want my closing remarks to be in defense of the 7,000 and more good citizens of New Mexico who as judges and clerks in the election, worked very long hours trying to make sure that the ballots were properly cast and counted. I have referred earlier to Hugh Woodward, whose letter I have read. Mr. Woodward did not need the few dollars he got as a Republican election judge on election day. He owns some wonderful property in the city of Albuquerque. I think that his economic situation might be termed better than well to do. Yet he served on election day as every good citizen should serve if called upon. No one could ever persuade me that as a Republican judge in precinct 12, he failed to count correctly one vote cast for any candidate running for any position on either ticket.

When I speak for the 7,000 and more workers who presided at the election in New Mexico in 1952, the situation in my home county and my home city of Albuquerque suggests itself. The subcommittee held a hearing in Albuquerque and took the testimony of 56 witnesses. One voting division, division E of precinct 37, Bernalillo County, was selected by the subcommittee and staff to obtain voluntary testimony of voters who had cast their ballots in the last election, but the committee did not call the election officials from that precinct to describe what had happened. It must be borne in mind that the city of Albuquerque is a boom city and the population has tripled in the course of the last 15 years. Conditions were difficult and many extra people had to help the regular judges and clerks. Civic organizations helped to recruit them. Among the election officials who participated in conducting the election in this voting division was Mrs. Thomas Calkins, Chief Vocational Advisor of the Veterans' Administration. She is very active in the League of Women Voters, and it was this activity that brought her into election day service. Another election official was Mrs. Jack Rushing, a teacher in the Albuquerque High Schools. I have seen an affidavit of Mrs. Calkins describing what took place in her voting division. She states among other things that she arrived at this voting division at approximately 4 o'clock p. m. and worked to approximately 7 o'clock the following morning. The other election officials of this voting division were high-class citizens but they were never permitted to certify as to what occurred in this precinct.

But what happened when the 56 witnesses were examined? As I have indicated, the Democratic legal representative of the minority of the subcommittee was not given the right to cross-examine the witnesses produced and the subcommittee refused to hear affidavits of witnesses in behalf of Senator CHAVEZ. But of the 56 witnesses who testified, only 19

of them involved by their testimony the senatorial race.

Of the 19 ballots affecting the senatorial race, 10 of the alleged changes on the ballots favored Senator CHAVEZ and 9 of them favored General Hurley, meaning that if the testimony of all the witnesses called in the precinct was to be taken at face value and counted accordingly, General Hurley would gain one vote. All of the other witnesses who testified that their ballots had been changed testified that the changes were in contests between other candidates, chiefly a candidate for county commissioner.

Mr. President, I believe that these people who worked in the election in Bernalillo County and across the State of New Mexico were good people and were honest citizens. I do not contend they did not make some mistakes. I do not urge that they might not have incorrectly counted an occasional ballot, but I do point out that after they had finished counting the ballots in the election on November 4 and had wearily gone on to their homes sometime in the morning of November 5, the county commissioners canvassed the results of that election. Later a State canvassing board canvassed the results. They certified that Senator CHAVEZ had been elected.

I would remind the Senate that, not satisfied with that finding, General Hurley asked for a recount. So the ballot boxes were opened again, and under the watching eyes of alert challengers for both sides—partisans of Senator CHAVEZ and partisans of General Hurley—those ballots were counted carefully again in many of the precincts in my home county. Forty voting divisions in Bernalillo County were carefully, methodically, 1 by 1, reexamined. When that reexamination was finished in Bernalillo County, General Hurley lost 268 votes and Senator CHAVEZ lost 30. The interesting thing to me was that there was in that count and in that recheck no evidence whatever that ballots had been fraudulently handled or tampered with. None of these fancy pencil marks that are pictured in the report of the subcommittee were noticed on the ballots in this second, careful counting. And the result indicated that Senator CHAVEZ actually gained by the recount.

Then, Mr. President, these ballots were examined again in the recount conducted by the Senate itself, and again the senatorial count showed a gain for Senator CHAVEZ. But that fact is not to me as significant as the fact that in that third slow, painstaking, careful examination of these ballots, nobody noticed these peculiar and unusual marks that are displayed in the printed volume of the subcommittee report.

I can come only to the conclusion that the 7,000 people of New Mexico who worked in the polling places on election day, checking the registration of voters, handing out ballots and counting the 240,000 ballots that were cast, were good people and that they did an honest job. On the basis of that honest job, they and every other public agency of New Mexico that has been called upon to do so, has certified that there was an election, and in that election Senator

CHAVEZ was the winner. Under those circumstances, Mr. President, I cannot vote for a recommendation that no Member of the Senate was elected from the State of New Mexico in the 1952 general election. I cannot vote to set aside the expressed desire of 122,543 people who voted for Senator CHAVEZ. I cannot decree that a Republican of our State, no matter what his position, shall thereby be permitted to select one of his own choosing to represent New Mexico in this great body. I am going to vote for the minority views, and by that action I will confirm what the people of New Mexico said on election day in 1952.

Mr. HENNINGS. Mr. President, I yield 15 minutes to the Senator from Mississippi [Mr. STENNIS].

Mr. STENNIS. Mr. President, I shall not discuss primarily the Cordon amendment, but I should like to say that the author of that amendment has done many a better day's work than he did when he presented the amendment. With all deference to him, I assume that if the Senate should agree to such an amendment, undertaking to tell the Governor of New Mexico and the people of the State how a vacancy existing in the Senate should be filled, the Governor would hold it in the contempt which it deserved. I shall not discuss the subject on its merits, but I believe the adoption of the amendment would bring the Senate into ridicule and produce very caustic criticism, which it would certainly deserve.

Mr. President, if I may be pardoned a somewhat personal reference, I have had the responsibility, as a judge, of having to decide a hotly contested election case. All such cases are serious. It was decided only after hearing the sworn testimony on both sides of the question, through witnesses coming into court and placed under oath, with the penalties of possible perjury applying, and undergoing cross-examination. The case was decided after a careful presentation of the facts by counsel. I weighed the evidence very carefully, as should be done in such cases, and then I made a very careful and exhaustive examination of the law, following which a decision was rendered which was immediately subject to appeal to a higher court.

With all deference, Mr. President, the majority report does not evidence adherence to the basic and vital considerations which are ordinarily observed in our system of jurisprudence in trying and deciding a case. I know the exigencies of the occasion did not permit that full pattern to be followed, but there is no sworn testimony before us, except as to a few witnesses whose testimony was taken under oath. There were only 57 witnesses, as I understand, who testified under oath before the committee, and only 19 went to the merits of the case, if I am correctly informed, and a difference of only one vote was all that was developed.

Mr. BARRETT. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I shall be glad to yield if the Senator will be brief. I have very little time.

Mr. BARRETT. There were 57 witnesses who were sworn and testified before the committee. The committee had



also 1,200 affidavits from citizens of the State of New Mexico, and we have a couple of thousand statements in every other contest before the Senate with relation to matters of this kind and character, there have been only statements. Never before has there been raised in the Senate the question the Senator from Mississippi raises.

Mr. STENNIS. Mr. President, my first assignment when I became a Member of the Senate in November 1947 was to count ballots in the Maryland contested election case. I remained in the committee room day after day tabulating ballots, accompanied by a Senator from the Republican side of the aisle. I know it can be done. It was done in that case. I am not saying it can be done in every case.

I am touching only the high points based on facts which are not contested. The affidavits were gathered by and large by roaming representatives of the committee. With all deference to those representatives, it is a dangerous thing to send forth men here, there, and everywhere, trying to find evidence. They were not officers; they were not under oath; they were not sworn to be fair and impartial and to do justice between the parties. I am not criticizing them personally, but I condemn the system.

I wish to mention something concerning the law in this case and to invite the Senate's particular attention to a case in New Mexico which provides a guide which we can always follow. The decisions hold that if the duty and responsibility are put on the voter himself, he must follow the pattern which the law prescribes if it is within his power to do so. As an illustration of that, the New Mexico Supreme Court, as late as December 1953 held that because a voter did not comply with the statute which required him to make a cross-mark on the ballot, and he put a check mark on the ballot, his ballot was invalid and would not be counted. That is the law of New Mexico, and it is the law of most of the other States.

On the other hand, the same case quotes another general rule which provides that if the duty and responsibility is on the election officials, then the voter himself is not charged with the responsibility of carrying out that duty, and if the court can find any way in which to avoid invalidating the ballot, it will hold it to be valid and permit it to be counted.

Mr. President, that is merely old cross-roads commonsense.

In this instance, we find that thousands of voters in New Mexico voted in an irregular fashion.

By the way, Mr. President, I know something about the people of New Mexico. I had the honor of living there for approximately 60 days, many years ago. I know something about the attitude of the people.

If the majority report should be adopted, 250,000 persons in New Mexico would be disqualified and a man would be denied a seat in the Senate, not because of any positive law, but because of a strained interpretation of one New Mexico statute to which I shall refer in a moment. The majority of the committee come here without any stat-

utory authority as a basis for their proposal, without any Federal law on the subject, without any precedents of the courts of New Mexico or from any of the Federal courts, and without any precedents of the United States Senate. The whole case is to stand or fall, so far as law is concerned, upon the section which I shall read from the New Mexico statute, the same section which the Senator from Wyoming read yesterday, and, as I understand the argument, it is the section upon which the majority stands. It is section 56-366.

Mr. HENNINGS. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I have only a short time in which to speak, but I yield to the Senator from Missouri.

Mr. HENNINGS. I wondered if the Senator would agree with me with reference to one point, namely, the statement the Senator made, as I understood it, relating to thousands of people having voted irregularly in the State of New Mexico. I assume the Senator meant, of course, that they had voted irregularly perforce because of the failure of the election officials to provide the means by which to vote properly.

Mr. STENNIS. I meant they voted in the only fashion in which they could vote, in view of the fact that the officials had failed to supply them with voting booths. That is what attorneys or lawyers call an irregularity, but it is certainly not something which is vital in this particular case.

Mr. President, I desire to read the section on which I understand the case is based. The subject of it is the removal of ballots from election rooms. That is what the authors of it had in mind when they wrote these lines:

Except as in this act (chapter) elsewhere provided, no person shall be permitted by the judges of election during the conduct of any election to remove from the room in which the election is being conducted, any official ballot.

What is being referred to is the removal of ballots from the room. It is for that purpose the provision is made. Here is the next sentence:

No ballot so removed and marked—

It must be a ballot that has been removed from the room. In some way it might be marked later or outside the room, and then brought back, in order to comply with the statute. But the wording is:

No ballot so removed and marked, except in the proper booths under the supervision of the election officials, as provided in this act (chapter).

Those words refer to the ballot that was removed. Then the provision of the law is:

No ballot . . . shall be deposited in any ballot box or counted or canvassed by any election officials or canvassing board.

In other words, that is the only recognized legal authority, so far as this case is concerned, for refusing to count or canvass a ballot. In that case it must have been a ballot that had been removed from the room. That language is as clear as it could have been made.

I respectfully submit that the proponents are trying to read into the statute

an interpretation which would be, "No marked ballots shall be counted, unless."

The law does not say that. It does not say that no marked ballot shall be counted unless it shall have been marked in a voting booth. The proponents may have looked thoroughly, but they cannot find any basis of law for such a contention. Yet they have tried to read such an interpretation into this section of the New Mexico Code, which says: "No ballot so removed and marked."

It must have been a ballot which was removed from the room, before there can be direct and positive authority to fail to count it.

On such a flimsy ground as that, we are asked to unseat a United States Senator. I defy any Member of the Senate to retire to a private room, and there, seated in the calmness and silence of that room, to examine his conscience, and then to return to the Senate Chamber and say that he clearly understands this section to mean that all ballots which were not voted in booths must be thrown out.

The flimsy nature of that law is, nevertheless, the only basis on which we are asked to disqualify not only 65,000 or 80,000 voters of New Mexico—but 240,000. What we are asked to do is to disqualify every single ballot which was cast in the entire senatorial election in New Mexico.

Mr. President, I do not believe there is a justice-of-the-peace court in the United States which could convict a person on such flimsy testimony as the scattering affidavits which have been produced. I do not believe there is any justice of the peace who would sentence a person under such a weak law as is involved in this case. This law is the sole basis of the claims of the proponents. They do not claim to have any precedents for this action. This statute is the sole basis, the sole bottom, upon which this case has a legal resting place.

There is another important point about this case, something else which the law does not like. The law does not like fraud. It does not like fraud in an election. Actual fraud will vitiate an election. That is the tone and the trend of the law. But there is no fraud or element of corruption in this case. It is not here; it is not even charged, and certainly, therefore, it is not proved.

Oh, but the proponents say there is constructive fraud. That is like saying a person is guilty of constructive treason. It is even worse than saying a person is guilty by association.

Mr. President, when we come to the showdown, there is no sound, legal bottom upon which the case can stand.

I think there is another very serious element in the case. It is not personal to the Senator from New Mexico. He can survive any ballot which might be taken in the Senate. It will not tarnish his record any more than it will mine or that of any other person. But Mr. President, I will tell you what it will do. It will set a precedent in the Senate which will confront many, many persons who will enter the doors of this Chamber and hold up their hands to be sworn in.

We are considering the case of a man who ran for the Senate, as others will

do in the future. He received a majority of the votes. He was certified by the highest officials of his State, after a recount by them, as having been elected United States Senator from New Mexico. His credentials were presented. Everything was found to be in order. He came to the door of the Senate. The door was opened to him to be sworn in. Then it was said, "We reserve the right to look into this election further." But Senator CHAVEZ was sworn in, and he has remained in the Senate performing his duties. There has not been a scintilla of proof showing corruption, unfairness, fraud, or any other evil act in connection with his conduct during the election.

More than \$200,000 has been spent in the State of New Mexico in an attempt to find some evidence of corruption—anything of that character—without success. Finally the investigators came up with this flimsy little statute.

Mr. President, such a situation could happen to me, to the present occupant of the Chair, or to any other Senator. Any of us could be confronted with just such a statute as that. But more than \$200,000 has been spent in an investigation by men who were not sworn to uphold the law, but whose instructions were to look for anything. Now they have come back with a charge of constructive fraud and an interpretation of a mild, measly little statute, which would afford no basis for a judicial proceeding in even a court of a justice of the peace.

Mr. HENNINGS. Mr. President, I yield 15 minutes to the distinguished senior Senator from Florida.

Mr. HOLLAND. Mr. President, I hope the time has not yet come when the Senate is prepared to say that any person who comes to the Senate by the approving vote of his people, at the same time that some candidates of the other party are winning their races in his State, must be displaced because of that fact. If we have reached that stage, the Senator from Florida probably has weak claim to his seat in the Senate, because his own State voted overwhelmingly for the recent presidential candidate of the opposing party, who now serves as President, in the same race in which the Senator from Florida was reelected by his people.

No, Mr. President; the fact of the matter is that we glory in such evidence of independence on the part of our citizens and on the part of our voters. When the time comes that all the people in each party in a great State vote in exactly the same way, and go to the polls dominated solely by partisan feeling, this country will not be as fine a country in which to live as it now is.

Time does not permit me to go into detail in the pending matter, but I wish to call attention to the fact—it has already been mentioned in the debate, but I think it should be mentioned again—that the law of New Mexico allows two methods by which an appeal from the verdict of the people, as pronounced by the State canvassing board, might be taken by a candidate who felt he had been mistreated. The first method is to ask for a recount by the State canvassing board, and the distinguished gentleman who was the disappointed candidate in the Senate election in New

Mexico in 1952 availed himself of that particular method. He asked the State canvassing board to recanvass and recount the votes of over 200 of the election precincts.

I think the defeated gentleman could be trusted not to go to those precincts and those counties in which he felt no evidence could be disclosed as to improper practices on the part of either the successful candidate, the distinguished senior Senator from New Mexico, or his friends and supporters. I think that General Hurley was well enough advised to go to those parts of the State and those poll boxes where, in his opinion and the opinion of his friends, there would have been a major chance for him to gain votes against Senator CHAVEZ, and either to reduce the majority held by Senator CHAVEZ or to overturn it entirely. Of course, General Hurley hoped to overturn it entirely.

As a matter of fact, the State canvassing board had reported, first that Senator CHAVEZ had carried the election by 5,071 votes. When the recount was taken, after 3 or 4 laborious days of work by the State canvassing board, under the recount application which I have mentioned, it was found that, instead of having lost votes in the recount, Senator CHAVEZ had gained 304 votes against the distinguished gentleman who had been his opponent, but who had been defeated in the election of November 1952. The CHAVEZ lead was announced as 5,375 votes.

A second method is provided by New Mexico—an appeal to the courts, but General Hurley did not see fit to avail himself of such an appeal, and he had a perfect right to make that decision. Instead, he came to the Senate with a petition asking for the unseating of Senator CHAVEZ and for the seating of himself, on the ground that he had been unlawfully and fraudulently deprived of the fruits of what he claimed had been a victory at the polls, instead of a defeat of himself as the candidate of the Republican Party for the Senate.

Mr. President, an able committee of the Senate has spent a great deal of money and time in making what I am sure was a fairly complete check of the situation. They discovered several things. The first thing they ascertained was that there was no basis for the petition of the contestant, because they could not find facts upon which they could disqualify Senator CHAVEZ on any of the many grounds recited, most of which tied in with allegations of fraud. They found no evidence of fraud by CHAVEZ, and they were not able to report to the Senate that they recommended the seating of General Hurley and the unseating of Senator CHAVEZ.

They also made a check of a large number of the votes cast in New Mexico, and it is interesting to note that in the only reported Senate check of a county, namely, the County of Bernalillo, the largest county in the State, the county of which Albuquerque is the principal city, General Hurley did not recover enough votes to get him back on the same basis in comparison with the votes cast for Senator CHAVEZ as had been shown by the first count which immediately followed the election. In added votes Sen-

ator CHAVEZ was still ahead in the second recount, as made laboriously by this committee and its staff.

Other recounts were made, and as a result of them, and as a result of other things, the committee decided, "We cannot show any fraud as against Senator CHAVEZ and his adherents, and we cannot show by recount that General Hurley is entitled to be the Senator from New Mexico, so we will go at it on another basis."

Instead of attempting by their report to disqualify and disfranchise certain citizens of New Mexico in sufficient numbers to unseat Senator CHAVEZ and to seat General Hurley, they instead came to the Senate with a report which says, in effect, "Let us disfranchise the whole voting electorate of the State of New Mexico and disqualify the present senior Senator, Senator CHAVEZ, by declaring his seat vacant because no valid election was held in 1952." That report comes on now to be heard.

I reiterate the fact that after one recount by the State canvassing board, in which 304 votes were lost by Mr. Hurley instead of gained, and after another long and laborious recount by our committee in which there was no substantial change, and the examination in the only county, Bernalillo, in which there was a complete recount, showed that Senator CHAVEZ gained as a result of the two recounts, the committee comes to the Senate and says, "Let us declare the seat vacant and allow the Governor, who was elected in the same race, by the same electors, at the same polling places, under exactly the same conditions, to choose someone to fill this seat from which we will hurl Senator CHAVEZ," who was sent to the Senate with the certificate of election issued by the Governor of his State, a member of the other party, and the chairman of the State canvassing board which conducted both of the State canvasses I have mentioned.

It seems clear to me that if we should allow that kind of thing to happen, it would be a travesty on justice and equity, and I would like to put into the RECORD again the words of the distinguished senior Senator from Oregon [Mr. CORDON] as they appear in the CONGRESSIONAL RECORD of yesterday—a Senator who ranks as a most conscientious man, and who on this situation said:

Because it seemed to me that that would be an illogical position—that is to say, on the one hand to deny the seat to the present holder, the senior Senator from New Mexico, and on the other hand to open it to an appointee of a governor elected at the same time—and because it seemed to me that that sounded like neither logic nor equity—

And so forth. Mr. President, we have, therefore, that statement of revulsion from a distinguished Senator on the other side which I think is an outpouring from his heart and conscience, and which, I believe, will be supported by similar views on the part of a great majority of the good people of this Nation, regardless of their party or regardless of where they live. Certainly I agree with him in that statement.

Mr. LONG. Mr. President—  
The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Louisiana?



Mr. HOLLAND. How much time have I left?

The PRESIDING OFFICER. The Senator has 6 more minutes.

Mr. HOLLAND. I yield briefly.

Mr. LONG. What impresses me is that there is no showing by the subcommittee that there was fraud involved in any of the contests in New Mexico. Does the Senator know whether adequate voting booths have ever been available in the State of New Mexico?

Mr. HOLLAND. I have no information as to that, but I know that the electoral votes of New Mexico for General Eisenhower which were counted came from the same places, that the votes for Governor Mechem came from the same places, and the votes for the two Representatives who were elected, statewide, came from the same places, and I have no information whatever of there having been any difference as between the electors who took part in electing the various officials mentioned, and determining those results, and those who determined the results in the senatorial election.

Mr. LONG. Nor is there a single thing in any report to indicate that the arrangements for the 1952 election were different from the arrangements in previous years.

Mr. HOLLAND. I thank the Senator. It seems to me that, outraged as he was, and properly so, by the suggestion that comes to the well of the Senate for action, the distinguished senior Senator from Oregon made an even more unwise suggestion, that the Senate should express its sense and feeling to be that it does not think the Governor should appoint anyone to fill the vacancy which the Senate is ready to declare.

Mr. President, such a declaration would be not only an affront to a free State, not only an affront to the Governor of New Mexico who is the chosen candidate of the Republican Party in this year's race against the junior Senator from New Mexico, but it does violence to some of the deepest traditions of the American people as engrafted in our Constitution.

I hurry on to call attention to the fact that from the very beginning of this Nation we have had the theory that each State is entitled to have two Senators, no more and no less, and that they are to participate in the Senate at all times and on all questions.

There was in the first article of the original Constitution a provision which allowed immediate appointment of a Senator in the event there was a vacancy. When that was changed by the 17th amendment, there was also reenacted the same provision regarding filling a vacancy, either in a special election or by gubernatorial appointment, if the legislature had given power to the Governor to make the appointment. The reason for adopting such a provision was that we did not want to leave any one of the States handicapped by having only 1 Senator sitting in the Senate, while every other State, whether large or small, had 2 Senators.

Not only was that in the beginning in the 1st article of the Constitution, not only is that the law now in the 17th amendment, but in the 5th article of

the Federal Constitution is the provision that even the people of this Nation themselves cannot change that provision by a constitutional amendment. It is the one thing in all the Constitution so sacred as to be safeguarded for all time by assuring the right of each sovereign State to always have two Senators in this body. The Congress is even prevented from submitting, and the people from adopting, an amendment which would take away from a sovereign State against its will the right to have two voices in the Senate of the United States.

Yet the present suggestion, which we know would not be binding, and which is only a pious prayer from the good clean heart of one who wants to do the right thing, would instead flout and flaunt one of the deepest traditions we have, in that it suggests and indicates, ahead of the time of the appointment of a successor, that we in the Senate shall not look with favor upon his being seated in the Senate. But, Mr. President, there is no doubt about what the Governor of New Mexico will do, because it is made his positive duty to act by section 56-717 of the New Mexico statutes which I read:

Immediately upon the happening of a vacancy in the office of United States Senator, the Governor shall make a temporary appointment to fill the vacancy until such time as such vacancy shall be filled by an election, as herein provided.

Mr. President, notwithstanding all the Federal constitutional provisions I have mentioned; and notwithstanding the fact that the State of New Mexico, in response to an offer made to it in our Constitution, has made it the positive duty of its Governor to act immediately to replace one of its Senators if there is a vacancy in the New Mexico senatorial delegation, are we to have the Senate express, as its sense, that the Governor of the State shall violate the State law and the Federal constitutional provision and the traditions of the Nation, and shall leave vacant half of the New Mexico representation in the Senate until an election can be held?

Mr. President, I have never heard a more unsound suggestion during the nearly 8 years I have served in the Senate.

The PRESIDING OFFICER (Mr. PURCELL in the chair). The time allotted to the Senator from Florida has expired.

Mr. BARRETT. Mr. President, I yield 20 minutes to the Senator from Indiana [Mr. JENNER].

The PRESIDING OFFICER. The Senator from Indiana is recognized for 20 minutes.

Mr. JENNER. Mr. President, I rise to speak on this most unpleasant subject, namely, the election contest now before the Senate of the United States.

First, Mr. President, I desire to compliment the Senator from Wyoming [Mr. BARRETT] and the Senator from Michigan [Mr. POTTER] for the fine job they have done in discharging their very unpleasant duty as Members of the Subcommittee on Privileges and Elections, which is a subcommittee of the Committee on Rules and Administration, of which I am chairman.

Mr. President, this is not the first time, nor will it be the last, for a matter of

this type to be before this august body. Within my short membership in the Senate, the Senate has considered various Senatorial election contests. From reading the history books, I know that such election contests have frequently come before the Senate.

As a matter of fact, the likelihood of such situations was recognized when, in formulating and adopting the rules and regulations to govern the proceedings of this body, we provided for a Subcommittee on Privileges and Elections, of the Committee on Rules and Administration, to consider and dispose of cases such as the one before the Senate today.

Mr. President, it is unfortunate that we have to be burdened with such controversies, because they are expensive and troublesome, and they are never pleasant. It seems that New Mexico has had a little more than its fair share of election contests.

The issue before the Senate, as I see it, is simple and clear. In the first place, New Mexico has one of the finest election codes enacted by any State of the entire Union; but New Mexico never uses it.

So this case is before us today, on a resolution of the full Committee on Rules and Administration, by a straight party vote, as one might expect, declaring it to be the sense of the Senate that there was no Senatorial election in New Mexico in 1952.

I am happy to state that there is no imputation of bad motives on the part of Senator CHAVEZ. No one charges him with fraud. He is not actually involved in this contest. What really is involved is the nonfeasance of the election officials of one of our great States, and Senator CHAVEZ is only incidentally drawn into the conflict because of the nonfeasance of the New Mexico election officials and their disregard of one of the finest election codes that could possibly be written into the statute books of any State.

Mr. President, I do not wish to discuss all the details of this matter, because yesterday the Senator from Wyoming [Mr. BARRETT] did a perfect job, and the Senator from Michigan [Mr. POTTER] and other Senators have also spoken on the merits and the whys and wherefores of this case.

There is one matter that I wish to discuss. Last Wednesday on this floor the senior Senator from New Mexico [Mr. CHAVEZ] spoke briefly in connection with the contest now before us and the national publicity that has attended it. In those remarks he accused members of the press, the radio broadcasters and some commentators of "Labels, insinuations, and innuendoes."

The senior Senator from New Mexico further stated:

My State has been slandered and libeled from one end to the other.

Senator CHAVEZ did not insert into the record the nature of the so-called slander and libel made by the press and radio.

I could not believe that our free press and radio should be arbitrarily denounced on this floor without a presentation of the facts. That is why I began searching the editorial pages of our

Nation's great newspapers for the evidence. Permit me to read a few lines of the editorial comments on the New Mexico senatorial contest:

Let us begin in our Capital City. The Washington Daily News, one of 19 Scripps-Howard papers located throughout the Nation, had this to say in a feature editorial, entitled, "Decency Is Not Partisan":

Next week the Senate will vote on whether to uphold honesty in the election of its Members or to abide fraud.

It is due to decide whether to accept or reject the report of its committee which investigated the 1952 senatorial election in New Mexico.

The report recommends that Senator DENNIS CHAVEZ, a Democrat, be unseated and his place in the Senate declared vacant. It bases its recommendation on findings of "flagrant" violations of the constitutional rights of some 55,000 New Mexico voters who were deprived of a secret ballot. It also charges "fraudulent alteration" affecting some 17,000 ballots and "illegal destruction" of more than 13,000 ballots.

All this, the investigating committee finds, so clouded the otherwise close result that in the committee's judgment there actually was no election, in an honest sense.

Democrats who so far have come to the defense of Senator CHAVEZ make it clear they mean to fight out the issue on partisan lines.

Democratic claims that the investigators spent too much money, that no wrong has been attributed to Senator CHAVEZ and that, if the findings are permitted to stand, President Eisenhower should be deprived of the four electoral votes in New Mexico—all these claims are beside the point.

Loss of those four electoral votes would not affect the President's election. The money for the investigation will have been well spent if it results in a cleanup of New Mexico elections. And neither Senator CHAVEZ nor his erstwhile Republican opponent, Gen. Patrick Hurley, is the issue.

The issue is the right of free American voters—be they in New Mexico or anywhere else—to secret ballots, honestly counted. A question of decency doesn't turn on party partisanship.

In the Washington Post, an independent newspaper, an editorial of March 13, 1954 recites that—

Unless the fraud, nonsecret voting, loose registration, and similar malpractices disclosed in the report can be corrected, Congress should think twice about recognizing New Mexican elections in the future.

The editorial continues:

The Senate ought to find some means of putting that State on notice that similar elections will not be tolerated hereafter. The subcommittee found that in 163 precincts in 22 counties there were no voting booths and consequently no secrecy in the casting of ballots.

It was mandatory to have voting booths.

A school principal testified that he voted in a schoolroom where other voters, seated at desks, were marking their ballots and that two election officials attempted to see how he was voting. Another voter, 70 years of age, said the voters were herded into polling places like so many sheep and that in all his years of voting in New Mexico had never seen a closed booth in use. A county commissioner testified that the best he could do was to arrange tables for the voters. The basic right of voting in secret was flagrantly violated.

While Senator CHAVEZ was in no way charged with fraud, the subcommittee reports that fraudulently altered ballots were found in 33 precincts. It claims that 6,000

voters might well be disqualified because of illegal assistance, and asserts that illiterate and handicapped voters were intimidated.

The blind and the crippled were not protected in their secrecy of the ballot. I can think of nothing worse than a blind man being deprived of the secrecy of the ballot.

Quoting further from the Washington Post editorial—

Mr. HENNINGS. Mr. President, will the distinguished Senator from Indiana yield for one question?

Mr. JENNER. I have only 20 minutes, but I am glad to yield.

Mr. HENNINGS. Has the Senator read the excellent editorial in the Washington Post of this morning?

Mr. JENNER. Yes; I have read it. Earlier I referred to the fact that it had been read previously in the debate.

While we are on this question, yesterday the Senator from Missouri said that we do not need to worry about the secrecy of the ballot, that a voter could put the ballot inside his coat and mark it. He stated that a booth was not necessary, so long as the ballot was secret.

I want the Senator from Missouri to know that, as I understand, there are many poor people in New Mexico who are entitled to the right to vote, who may not have coats in which to hide their ballots.

I continue quoting from the Washington Post:

The State's registration system was found to be notoriously lax, and a spot check of 11 precincts indicated that 109 aliens had voted. While the forthcoming minority report may give a different emphasis to some of these findings, it is clear that New Mexico ought to be jolted into Americanization of its balloting system.

The Washington Sunday Star, another independent newspaper, concludes an editorial of Sunday, March 14, 1954, with the following statement:

The implications of this record—in a country where free elections and the secret ballot are keystones of our constitutional rights and liberties—should be considered on a plane higher than that of pure partisanship in a closely divided Senate.

If it were not the local newspapers to which the senior Senator from New Mexico was referring, could it have been the press in other sections of the Nation? Could it have been the press in Hartford, Conn.? Could it have been the Independent-Democrat Hartford Times which concluded in its editorial of March 15:

Undoubtedly, the New Mexican election was indefensibly corrupt, and both senatorial candidates must have known of the procedure.

Or could it have been the Tennessee press to which the senior Senator from New Mexico had reference? Could it have been the independent Nashville Banner, the oldest newspaper in Nashville with a long record of public service to the people of Tennessee founded in 1876? In a feature editorial of March 12, 1954, it is stated:

The only question before the Senate, in the case of Senator DENNIS CHAVEZ, of New Mexico, is, Was he legally elected?

Your committee has reported that no honest man can determine whether he was honestly and legally elected, when so many people were disfranchised by reason of the fact that there was no secrecy in connection with their ballots.

Further quoting from the Nashville Banner:

That has been the question since 1952, when the returns were in and Patrick J. Hurley filed charges of wholesale irregularities. It was the question when the 83d Congress convened, and when he finally was seated.

It has been raised with a finality this time, for the Senate as a whole to decide—the Senate Elections Subcommittee having recommended that New Mexico's 1952 senatorial election be declared no contest and CHAVEZ unseated.

The question certainly is not whether the disputed incumbent is a Democrat or a Republican. That is entirely beside the point, though one would never guess it from the party line of cleavage on the committee's findings.

The partisan view surely gives way, as completely secondary to the one great premise of unquestionable right to the seat in question.

The issue has been bandied about too long already, a circumstance of concern far beyond the boundaries of New Mexico.

If the returns of that election now are so confused as to cast doubt on a majority either for DENNIS CHAVEZ or Patrick J. Hurley, then the no-contest decision is eminently proper, leaving it up to the Governor to fill the post by appointment.

Under the Constitution, each House of Congress is the judge of the elections, returns, and qualifications of its own members; and while relatively few cases have occurred in which Members have been unseated on charges similar to this one, there are precedents for it.

A charge that corrupt methods and practices were employed in his election, and that the election therefore was invalid, was sustained by the Senate in the case of Senator William Lorimer, Republican, of Illinois, in 1912, and he was unseated.

When the 80th Congress convened in January 1947, the seating of Senator Theodore Bilbo, of Mississippi, was challenged. In the face of prolonged debate it finally was announced that he was voluntarily stepping aside because of illness, and he died later that year without taking his seat.

Wholesale irregularities were charged and defined, in the New Mexico case—primarily violations of the Australian (secret) ballot system. Investigation substantiated a considerable fire giving off that prevalence of smoke. If it is confirmed as affecting that Chavez margin, the Senate in honesty to itself and to the country it serves has no choice. It must unseat him.

Or perhaps the senior Senator went to the great State of Oregon for his evidence of libels, insinuations and innuendoes against the press. Perhaps he went to one of the truly great independent Republican newspapers of the West, the Portland Oregonian, which, in an editorial of March 13, 1954, stated:

#### NEW MEXICO'S VOTING MESS

The two-member Republican majority of a subcommittee that investigated Chavez' election, however, was justified in declaring the election no contest and moving that his seat be vacated. The evidence of election rigging and fraudulent voting was so conclusive that the investigators themselves could not determine who would legally have been elected. With 80,000 ballots thrown out, several thousand destroyed, evidence of voting by aliens and improper supervision of voters requiring assistance of election offi-



cials, the whole mess became impossible. A recount could not be completed.

The editorial concludes with this comment:

Whatever the Senate may decide to do, the sovereign State of New Mexico needs to undertake a drastic house cleaning of an election system which deprived at least 55,000 citizens—out of a total voting force of 247,000, but with only 141,000 ballots examined by the committee—of their constitutional right to a secret ballot.

Or if the senior Senator did not go to the Far West for his evidence, could he have gone to his neighboring great State of Texas for his evidence? An editorial in the independent *El Paso (Tex.) Herald-Post* of November 30, 1953, states, in part:

There is testimony in volume to show that the law requiring secrecy of the ballot was widely disregarded. The evidence also is expected to show fraud, loose registration practices, burned ballots, and illegal voter assistance.

While the election was held under New Mexico law, and to that extent is a State matter, it concerned the membership of the Senate. So the integrity of Congress is involved.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. BARRETT. Mr. President, I yield 10 additional minutes to the Senator from Indiana.

Mr. JENNER. Mr. President, I continue to quote from the *El Paso (Tex.) Herald-Post*:

Secrecy in voting is a root principle of our system of government. Hence, any election which flouts that principle is intolerable and merits the severest censure and punishment.

This investigation resulted from charges and countercharges made by Patrick J. Hurley, the defeated Republican candidate for the Senate, and Senator DENNIS CHAVEZ, the Democratic winner. Chavez supporters claim open-view voting has been customary in parts of New Mexico and there was nothing wrong in having it happen again last year.

That argument is as fraudulent as the offense it presumes to defend. A wrong which strikes at the essence of free American elections is no less wrong because it has become a habit.

Unless the subcommittee, headed by Senator FRANK A. BARRETT, of Wyoming, and the Senate itself, regard this kind of corruption with the utmost seriousness, they will be seriously reflecting on their own sense of decency.

If it were not these great independent newspapers scattered from one end of our great country to the other to which the Senator from New Mexico referred, then perhaps it was the press of his own State which he accused of libels, insinuations and inuendos. Permit me to read into the RECORD an editorial under date of Friday, March 12, 1954, taken from the *Santa Fe New Mexican*, one of the West's oldest independent newspapers, founded in 1849, and, I might add, whose editor and publisher is the Honorable Robert McKinney, a Democrat and former Assistant Secretary of the Interior during the Truman administration. Here is what Mr. McKinney's newspaper states:

Completion of the Senate Elections Subcommittee report on New Mexico's sena-

torial election brought a finding that, in effect, no election had been held in the State for Senator, in view of the many irregularities.

In the furor which should develop immediately over whether or not Senator CHAVEZ should be unseated, the important point of the report should not be forgotten by New Mexico voters. Undoubtedly there is substance for the highly critical report on New Mexico's election picture. And, as of this moment, New Mexico hasn't done a blessed thing to remedy its miserable election code.

The irregularities which were a part of the senatorial election also were a part of the election for other offices. And the irregular conduct of election officials is certainly not restricted to the election just passed. The forthcoming primary and general elections can be manipulated left or right—whichever way is most expedient for experience-minded election officials.

Regardless of the outcome of the present vote contest, the people of New Mexico will lose a golden opportunity to strike for good government if they don't capitalize on the results of the election probe and demand revision of the State election code to provide adequate safeguards against manipulation of elections. If the voters of the State don't demand such reforms, we might just as well head back to the Dark Ages and give up this democracy stuff.

That is not all the New Mexican has said editorially about this contest for under date of February 9, 1953, this same great newspaper in an editorial concluded:

Probably it would be a good thing for the Senate investigators to probe deeply into the last election and make public every instance of skulduggery they find. A few good stiff jail raps hung on some of those who despoil our right of franchise would be a healthy thing.

From the contestee and his spokesmen we have heard many times that the people of his State resented our investigation and have been slandered by it. What does a respected, independent newspaper, the *Roswell (N. Mex.) Daily Record*, say about this? I read from a March 18, 1954, editorial:

The fact that a Senate subcommittee will bring up the matter of unseating New Mexico's Senator DENNIS CHAVEZ, Monday, brings to mind that some spokesmen who do not approve of the report of the committee have declared that the recommendation is a reflection upon the people of New Mexico, and that they resent it.

Wholesale irregularities in elections are a reflection upon the people of the State, and why one should resent the exposure of crookedness and carelessness in selecting State and national officers is hard to explain, unless those who resent it are in favor of such practices.

It is a reflection upon the people that they have stood for such practices perhaps for generations. At least they have been known for a great many years, and it has been taken for granted that vote stealing and changing goes on in certain counties at every election. The old story that some county political leaders get in touch with favored candidates and ask them how many votes they need is not fiction by any means.

Marking ballots to suit the fancy of election officials also is not fiction, and the list of offenses goes on to great length, including the burning of ballots illegally.

Since the people have known these practices have been going on all this long time it is a reflection upon them that they have not done something to stop it, and make one's privilege of franchise something of greater value than it is in some places.

The people do not have to put up with such practices, and where they occur if they are more careful about the kind of county officials they select they will not continue long. Let's wait until we have cleared the record before we protest too much.

From Artesia, N. Mex., comes this comment from a newspaper, the *Artesia Advocate*, which prides itself in affiliating editorially with the Democrat Party. From the *Artesia Advocate* of April 7, 1953:

For years we have heard the charge made in our State that some successful politician stole an election. That is a serious charge. We should be interested in determining whether it is or isn't true. It is possible the present investigation will prove that it is true or if not then it will halt the practice which has prevailed.

We know that ballots have been burned in Dona Ana County on two different occasions. One time these were the primary election ballots at one of the voting precincts. The other occasion saw all of the general election ballots for the election held last November 4 burned on the orders of the district judge. Later the judge said it was an honest mistake—he thought the law provided for burning of the ballots 90 days after the election. The law provides for destroying the ballots 90 days after the canvassing board adjourns. The time limit for destroying the ballots had not arrived at the time the ballots were burned.

So if General Hurley is not successful in winning the seat in the Senate he definitely has rendered a public service to our State and election practices will probably undergo a change before another election is held.

How does the Gallup Independent of Gallup, N. Mex., the Indian capital of the world, feel about our investigation?

I quote from a Gallup Independent editorial appearing in the *Roswell Daily Record* of March 18, 1954:

No matter what the outcome of the contest to unseat Senator DENNIS CHAVEZ in the United States Senate, the Gallup Independent has the notion that the State of New Mexico ought to profit by the election irregularities that were turned up in the investigation. Get elections back on a legal and level basis, says the Independent, and leave no room for complaints of fraud and negligence.

When the senior Senator from New Mexico said that his people had been slandered perhaps he meant Judge Scoggin who illegally ordered the burning of some 13,000 ballots. The *Silver City Daily Press* editorial quoted in the *Roswell Daily Record* of March 18, 1954, has something to say on this subject:

The *Silver City Daily Press* declares that it is a sad commentary on contemporary politics when a judge can illegally burn election ballots and not be indicted for palpable fraud. The Press refers to Judge Scoggin, who authorized destruction of Dona Ana County ballots that were due to be recounted in the senatorial investigation of the Hurley-Chavez election. The Press says that the county's chief enforcer knowingly committed a crime against the public. And the Press wonders if the voters will have gumption enough to kick him off the bench.

The Las Cruces Sun-News, a large independent newspaper of Las Cruces, N. Mex., looks at the probe in this light. On March 24, 1953, it stated editorially:

As we have pointed out before, the cry that an election was stolen has gone up in the State a good many times. It is time that we either prove that this is not true or that those responsible for dishonesty in

our elections be disclosed and the practices halted.

The Hurley investigation will have a tendency to do just that—create so much fear that those who might decide to try and win an election by fraud will never attempt it again.

The PRESIDING OFFICER (Mrs. SMITH of Maine in the chair). The time of the Senator from Indiana has expired.

Mr. BARRETT. Madam President, I yield 5 additional minutes to the Senator from Indiana.

Mr. JENNER. Madam President, because of the shortage of time, I ask unanimous consent that several additional editorials and quotations from New Mexican newspapers, together with my comments thereon, be printed in the RECORD at this point.

There being no objection, the editorials and quotations and comments were ordered to be printed in the RECORD, as follows:

A waste of money? An insult to New Mexico? How does the Farmington Daily Times, an outstanding independent newspaper in northern New Mexico, answer? From a May 11, 1953, editorial I quote:

"The investigation has been attacked as a waste of money and as an insult to New Mexico.

"That may be the way they think of it in Washington but people out here don't share the opinion.

"Thoughtful New Mexicans don't think of the investigation as a straight party subject and they are willing to endure any insults that might be involved if the investigation can contribute anything to correcting the lax and illegal election practices that have developed here."

From the eastern half of the State, the editorially independent Tucumcari Daily News regards our investigation as a "painful but welcome remedy if it cures our election ills."

An article taken from the Tucumcari Daily News and appearing in the Albuquerque Journal of April 25, 1953, reads as follows:

"The Senate decision to proceed with full-dress investigation of New Mexico's recent senatorial election promises to bring some painful publicity to the State about the way we conduct our balloting. But we could stand some of that if it would correct some of the practices that have grown up here.

"At some time in the dim past New Mexico people became inured to voting in precincts without private polling booths. Somewhere along the line we became too tired to complain any more about sloppy and careless handling of election records, and we even reached the place that we didn't have the energy to make much of the fuss about the illegal burning of all the ballots marked in three counties.

"Investigators have been shocked about things they found in the conduct of our elections which we had come to accept as conventional practice in electing public officials. And they expressed surprise about other practices which we long ago despaired of correcting.

"Now all of those things are about to be moved under a national spotlight and New Mexico in all likelihood will be shown up as a place of corrupt and sloppy election procedure.

"That's going to be painful but it will be a welcome remedy if it cures our election ills.

Mr. JENNER. Madam President, I have quoted from the Independent and Democrat press representing every corner of the State of New Mexico.

This concluding editorial appeared a week or so ago in Albuquerque, New Mexico's largest city, in the most widely read newspaper in the State, and the only evening newspaper in Albuquerque. It is the editorially independent Albuquerque Tribune. It has directed its editorial to those of us sitting here today in solemn judgment of whether or not the people of New Mexico freely expressed their will for a United States Senator on November 4, 1952.

The editorial reads as follows:

In its essence, the report of the Senate committee investigating the 1952 Chavez-Hurley senatorial contest finds that fraud—including denial of secrecy of the ballot—was so rampant that it is impossible to tell who honestly should have been elected.

The committee recommends, then, that the seat held by Senator CHAVEZ be vacated and the election be called no contest.

In the circumstances, this is the only logical choice.

But the final decision is up to the full Senate.

In this election year, with a Senate about evenly divided between Republicans and Democrats, there is an apparent disposition on both sides to duck this issue.

No amount of evasion can refute the evidence. Evasion will not uphold the honesty of elections. Evasion will not defend the integrity of the Senate.

If the Senate rejects the investigating committee's report, or dodges the issue, it will be in the position—clearly—of giving its consent to fraud. It will be impugning its own moral and legal integrity. This is not a vote for political partisans. It is a vote for Senators willing to stand up and be counted on the constitutional rights of free American electors.

I wish to ask the senior Senator from New Mexico if this is the kind of libel and slander to which he referred last week. Is it libelous to denounce political fraud? Is it libelous to fight for every citizen's constitutional right to a secret ballot? Is it libelous to champion the cause of free expression of the will of the people of New Mexico?

If these things constitute libel and slander, then this makes the third time in 28 years that the United States Senate has heard such charges from a senatorial candidate from the State of New Mexico. In 1925 from former Senator Holm O. Burson, in 1935 from Senator Dennis Chavez, and in 1953 from Gen. Patrick J. Hurley. All have filed formal complaints with this body charging that the people of New Mexico were deprived of their right freely to choose a United States Senator.

Let us look at the record. What did the Honorable DENNIS CHAVEZ charge in his petition filed in 1935 when he contested the election of the then Senator Bronson Cutting?

Allow me to read one of many references he has made to political corruption, denial of a secret ballot and ghost-voting as practiced in his State. This excerpt is from section 5, page 3 of the official printed copy for the use of the United States Senate Committee on Privileges and Elections, dated 1935, and titled "Petition of DENNIS CHAVEZ":

If the unregistered votes hereinafter mentioned and referred to and which, under the laws of the State of New Mexico, are void and forbidden in mandatory terms to be counted or canvassed, which law has been

held by the supreme court of the State to be mandatory, are excluded from said totals, and votes and ballots cast by aliens, insane persons, persons who were under age, persons who are not citizens of the State of New Mexico, persons who voted more than once, persons who voted under assumed names, persons who voted in the names of persons already dead, and persons whose ballots were unlawfully marked by others, and persons whose ballots were marked in disregard of the laws of the State of New Mexico intended to preserve the secrecy of the ballot, and which ballots were counted and canvassed for said Cutting, this petitioner would have a substantial majority over Bronson M. Cutting, and ought of right be declared entitled to the office of the United States Senator from the State of New Mexico instead of said Bronson M. Cutting.

When I first read Senator CHAVEZ' petition of 1935 I could not help but note the similarity of charges made in that petition and the one filed last year, 18 years later, by Hon. Patrick J. Hurley. In effect, both General Hurley and Senator CHAVEZ have told this body the same story of denial of the free will of the people of New Mexico. Only the year in which it is told is different. Only the magnitude of the offenses is greater.

With all due respect to the Senator from New Mexico, I might say, "The chickens have come home to roost."

If, in 1954, it is libelous to denounce political fraud and denial of the basic rights of the people, then I say it was just as libelous in 1935, and that the senior Senator from New Mexico stands guilty of libel along with the Nation's free press, and along with General Hurley.

If this be libel—if this be slander—let us thank the Almighty God for those courageous individuals who are responsible for it.

Mr. HENNINGS. Madam President, I yield a few minutes to the senior Senator from Louisiana [Mr. ELLENDER].

Mr. ELLENDER. Madam President, I do not know that I can add very much to what has already been brought out in this debate, except by way of emphasis. I wish to say, before I go into the merits of this case, that in 1945 I was chairman of a special committee which held hearings in connection with a move to contest the Senate seat then held by the distinguished former Senator from Maryland, Mr. O'Connor. The committee which I headed held hearings for quite some time and submitted its report to a successor committee. Instead of adopting the report as submitted by the special committee, of which I was chairman, the Senate during the succeeding 80th Congress saw fit to delve into the matter further. Bluntly, an additional, duplicating investigation was begun in order to try to defeat the will of the people of the State of Maryland. On top of this, however, an effort was also made to deprive the distinguished Senator from West Virginia [Mr. KILGORE] of his rightful seat in the Senate. After an investigation covering over 2 years, during which it spent \$350,000, the Committee on Rules and Administration of the Senate rendered its report. This report was almost identical to the report which had been made some 2 years before by the committee of which I was chairman.



The expenses of the committee that I headed had spent about \$30,000, as I recall.

It is true, Madam President, that with reference to the New Mexico investigation, I have tried to curtail the expenses of the special subcommittee, but I believe I was on solid ground in my attempt. As a result of my efforts, there was saved since last August the difference between \$160,000, what was requested, and \$37,000, the amount granted.

What is the situation as developed by this committee? General Hurley not only tried but succeeded in getting the canvassing board in New Mexico to recount the ballots in the New Mexico election. When the recount was conducted in the precincts which were selected by General Hurley, instead of decreasing the number of votes for Senator CHAVEZ, as was charged here, the recount increased the total Chavez votes by 304.

Not satisfied with that, however, General Hurley proceeded to file a petition, in which he accused the New Mexico commissioners, and all officials who had anything to do with the election, with everything in the book. He submitted a shotgun blast of charges. Soon after the petition was filed, the attorney for the subcommittee went to New Mexico, and an agreement was entered into between the attorneys on both sides; namely, those representing Mr. Hurley and those representing Senator CHAVEZ. It was understood that a recount would be made in Bernalillo County. There seems to be a little difference of opinion as to whether the recount should have been continued within any other counties, but, in my opinion, it is safe to say that the intention was to determine whether there had been any fraud in Bernalillo County. If fraud were disclosed in that county, the investigation was to be continued in other counties. That, as I understand it, was the agreement.

What happened? I believe the question can best be answered by reading an excerpt from an editorial that was published in the Albuquerque Journal, a newspaper which supported the present Republican administration in New Mexico as well as General Hurley. The article complained, among other things, that \$33,000 a month was being spent in the Hurley-Chavez senatorial contest. I read the pertinent portions from the editorial as follows:

But let's face the facts. All doesn't seem too well so far. Originally, it was understood, practically agreed to, that the recount would be finished in big Bernalillo County before any other county would be dragged into the costly investigation.

The recount in Bernalillo is not yet finished—in fact, far from finished. Suddenly the Senate subcommittee, through its chief counsel, Wellford Ware, called for an opening of all the Rio Arriba County boxes for a recount.

There has been no legitimate explanation as to the attempt to jump into Rio Arriba County boxes before the Bernalillo County recount is finished. The lowdown, however, is that the recount so far in Bernalillo County has shown but little variation from the November official count.

The contest was based on gross fraud and corruption. As of now no semblance of fraud or corruption has been discovered and only a slight change in the vote—a change due only to technical and wholly unimportant and unintentional errors. These few errors are on both sides, not just one.

It would seem that a highly partisan Republican investigating group, chagrined by the failure of Bernalillo County to produce any tangible discrepancies, has now seized upon Rio Arriba County in a desperate effort to salvage some of its investigating prestige.

That, Madam President, is what the Albuquerque Journal had to say. I believe "a desperate effort to salvage some of its investigating prestige" is the reason why the subcommittee abandoned the procedure under which it had begun. A change of tactics from a contest by General Hurley, by way of a petition, to an independent investigation initiated by the Republican members of the subcommittee was started. As my good friend, the distinguished Senator from Missouri [Mr. HENNING] stated yesterday, all of this was done without his knowledge or consent. Partisan investigators supervised by a partisan attorney in the person of Mr. Ware, scraped and combed the whole State in search of political dirt. The evidence taken showed no fraud on the part of Senator CHAVEZ, nor any fraud on the part of any of the officials who conducted the election. All of the ex parte statements taken by the investigators likewise showed no fraud on the part of Senator CHAVEZ, nor against anyone connected with his organization. Having heard that an investigation of this election was undertaken by the FBI at the request of General Hurley, I wrote a letter to Attorney General Brownell, in which I asked certain questions. I quote from that letter:

As you may have noticed from the press, the Senate Rules Committee will soon consider a report made by a subcommittee of that committee, pertaining to the Chavez-Hurley election in New Mexico in November of 1952.

I was reliably informed that General Hurley made many charges of fraud to the FBI, and that an investigation was conducted by that agency as a result of those charges. I am wondering if the FBI reported to you in the matter, and if so with what results. Were any of the charges made by General Hurley well founded? I would appreciate knowing what you have done or propose to do with such reports as may have been furnished to you by the FBI. Were any of the charges substantiated, and do you intend to pursue the matter before the courts?

I fully expected cooperation from the Attorney General's office, because I was reliably informed that an investigation had been made. In order to expedite matters I sent a telegram under date of March 19, 1954, referring to the letter which I have just read. I was hopeful of obtaining some information as to fraud. I finally received from Deputy Attorney General William P. Rogers the following answer to my inquiry:

The policy of this Department consistently through the years has been that information such as you request should not be made available to anyone outside the Department. When any action is taken which appropriately may be made public, we will be pleased to notify you.

It would have been an easy matter for the subcommittee to have obtained the information so that all the facts could be presented to the Senate.

Mr. BARRETT. Madam President, will the Senator yield?

Mr. ELLENDER. I will yield on the time of the Senator from Wyoming.

Mr. BARRETT. I yield an additional minute to the Senator.

The Senator from Louisiana says he wants information. The Attorney General has written to me again that he wants the ballots immediately after the subcommittee has finished with them. He has said he proposes to take some action. Is that the information which the Senator desires?

Mr. ELLENDER. Was the Senator from Wyoming given information as to the number of charges which were actually investigated, and as to what became of the charges which were investigated?

Mr. BARRETT. No; I have no information as to that.

Mr. ELLENDER. I wish the Senator from Wyoming had obtained that information. I understand that of the numerous charges made only a few have not been completely investigated. As to those completed, there was no basis for prosecution. The few not completed are awaiting an inspection of some ballots by the investigators.

So far as fraud is concerned, I was informed that there was no fraud.

Mr. BARRETT. I do not know who so informed the Senator from Louisiana in that respect.

Mr. ELLENDER. The Senator's subcommittee's report did not contain any evidence of fraud, nor did it direct any charges of fraud against either candidate.

Madam President, we are being asked to rely upon statements made ex parte to annul the election in question; statements that have not been presented to the Senate in any form except in the majority report; statements that were more or less obtained in secret without the knowledge or consent of the minority member of the subcommittee; statements which the attorneys of Senator CHAVEZ had no opportunity to challenge.

Time will not permit me to go into more detail as to the evidence relied upon but I would like to point out just one of the misleading statements of the law presented to the Senate by the partisan attorney of the subcommittee hereinabove referred to. On page 16 of the majority report it is stated, with reference to section 56-347 of the New Mexico election law, as follows:

To demonstrate and clarify beyond any doubt its avowed intention to carry out its constitutional mandate to preserve the secrecy of the ballot, the Legislature of New Mexico enacted section 56-347, supra, which states failure to "substantially comply with the provision of the election code designed to protect the secrecy and security of the ballot . . . the votes of such entire election division shall be rejected."

The lack of substantial compliance with the provisions of the code requiring voting booths will cause the rejection of all the votes cast in an entire election division.

The Senate will note that, according to the law as quoted in the majority report, mere failure to comply with the election code provision "relating to secrecy and security of the ballot" renders "the votes of such entire election division" liable to rejection.

This is not the law. This is a misstatement of the law. I direct the attention of the Senate to the statute in question and in particular to that portion which the majority has regarded as so inconsequential as to delete from the above-quoted statement:

In any election contest a prima facie showing that the election officials of any election division have failed to substantially comply with the provisions of the election code, designed for protecting the secrecy and sanctity of the ballot and the correct recording of the names and numbers of the ballots in the pollbook, and the entering of the ballot numbers in the book of bound original affidavits of registration as herein provided, shall cast upon the candidates of the political party which had majority representation upon the board of election officials for such election division the burden of proving that no fraud, intimidation, coercion, or undue influence was exerted by said election officials, and that the secrecy and purity of the ballot were safeguarded and no intentional evasion of the substantial requirements of the law was made. Upon failure to make a showing upon which the trial court shall so find, the votes of such entire election division shall be rejected: *Provided*, That no such rejection shall be so made where it appears to the trial court that the election officials ignored the statutory requirements with the probable intent of procuring the rejection of the vote of such election division.

Any attorney, Madam President, who so deliberately endeavored to deceive a court of law would, I feel certain, be immediately subjected to disbarment proceedings.

The PRESIDING OFFICER (Mrs. SMITH of Maine in the chair). The time of the Senator from Louisiana has expired.

Mr. HENNINGS. I yield 5 minutes to the distinguished junior Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Madam President, one of the first rules of equity jurisprudence I learned as a student of law was that fraud vitiates everything it touches. Fraud vitiates every contract known to the law. Fraud vitiates every human transaction. Fraud is obnoxious to the nostrils of every decent human being. There is another rule of equity which has just the same appeal to me: It is equally as strong as the first rule I mentioned. In substance it is "he who seeks equity, must do equity." If the committee's report would seek equity, let it do equity. With these elemental, honest men seldom, if ever, disagree. To them I subscribe with every particle of my being. It is in the application of the facts in each case that men in their conception of these principles differ.

I have taken a wholly detached view of the election contest in New Mexico. Let us look at it from all its angles and from all its points of view. I have a point of view which I wish to develop briefly and in just a few words. That there may never be any mistake about my position,

I have reduced my thoughts to the notes I am now following.

Let me with pardonable pride say that I doubt seriously if there is a Member in this body who questions the sincerity of my purpose in what I am about to say.

I have read the "findings and conclusions" of the majority opinion on pages 3, 4, and 5 of the report. My assignments on the Post Office and Civil Service, the Judiciary, and Agriculture Committees of the Senate together with the other duties each of us have, make it impossible for me to read, digest, or analyze the evidence which supports or negates the "findings and conclusions." From my point of view I am going to assume that the evidence is in the record. I want it understood clearly that I can agree 100 percent with those "findings and conclusions" and at the same time be consistent and wholly disagree with the committee's recommendations.

First. The committee has not associated DENNIS CHAVEZ with a single fraudulent vote so far as those findings and conclusions are concerned.

Second. To make DENNIS CHAVEZ the Guinea pig for an indictment of the election machinery of New Mexico under the circumstances set forth in the report in the absence of personal wrongdoing on his part is wholly unfair, unprecedented, and beyond the scope of our authority.

Third. To punish DENNIS CHAVEZ without admitting at the same time that the alleged fraudulent votes in New Mexico elected a Republican governor and were cast for a Republican President is to convict him on the one hand and reward the others on the other hand.

I take it that there is not a single Senator in this body who will not subscribe, as I subscribe, to the abstract virtues in the committee's "findings and conclusions." The language adopted is most appealing. The virtues extolled are most attractive. The historical sentiment in the report is beautifully phrased. How utterly meaningless, how miserably futile and how pitifully helpless does it all become when there is not a word, a single syllable or clause and not a sentence on pages 3, 4, and 5 of the report which says:

"DENNIS CHAVEZ, you have a personal hand in the fraud in New Mexico."

"DENNIS CHAVEZ, you personally helped to vote the vote of a dead man in New Mexico."

"DENNIS CHAVEZ, you personally helped to deprive 55,000 New Mexico citizens of their right to vote."

"DENNIS CHAVEZ, you are personally responsible for the breakdown of the electoral system in New Mexico."

"DENNIS CHAVEZ, you helped to pervert the secrecy of the ballot in New Mexico."

"DENNIS CHAVEZ, you personally coerced and intimidated the voters of New Mexico."

"DENNIS CHAVEZ, you personally prevented a free election in New Mexico."

"DENNIS CHAVEZ, you are responsible for preventing a free choice by the people of New Mexico."

"DENNIS CHAVEZ, you are personally responsible for violating the principle that a government derives its 'powers from the consent of the governed.'"

"DENNIS CHAVEZ, you are personally responsible for the archaic system of elections now prevailing in New Mexico."

"Now, DENNIS CHAVEZ, for all of these evils and wrongdoings in the election in 1952 in New Mexico, you are personally responsible and we are going to declare your seat vacant and recommend a new election."

Do the "conclusions and findings" of the committee contain a single count like those I have just enumerated? No, not one. The committee's report does not so declare. I will ask Senators to read pages 2, 3, and 4 of the report, and find, if they can, a single charge that DENNIS CHAVEZ is guilty of some personal wrongdoing. Point out, I repeat, 1 word, 1 syllable, 1 clause, or 1 sentence in that report which would indict DENNIS CHAVEZ personally. The burden of the argument, the labor pains of the committee, the whole argument, is a condemnation of an election system, the machinery for the elections in New Mexico, rather than a pointing of the finger of responsibility to CHAVEZ, whom they ask us to make the victim of it.

Are we to hang the wrongdoing of a system on CHAVEZ without, at the same time, charging him with the same responsibility for establishing a wrong type of election machinery? Are we to make him the object lesson of our wrath, and not at the same time charge him with personal responsibility? He who seeks equity from me must do equity to me.

What are some of the other facts in the case? Governor Mechem was elected by a majority of 18,000 votes. President Eisenhower carried the State by about 27,000 votes; Senator CHAVEZ had a majority of only 5,000 votes. We do not have the power and we would not assert that power, if we had it, to declare Governor Mechem's office vacant. Nor would we declare the votes for President Eisenhower fraudulent. Bear in mind, if you please, that the same votes which elected Governor Mechem, which were cast for President Eisenhower, and which were cast for two Representatives at Large, were cast at the same polling places, in the same precincts, and in the same districts, were the votes that elected DENNIS CHAVEZ.

Would the committee have the Senate, if it could, set aside all the elections in New Mexico? I dare say not.

In every election contest for the right to a seat in this body with which I am familiar, the Senate has never unseated a man who had not first personally been charged and found guilty of some wrongdoing. The committee has not the courage to charge DENNIS CHAVEZ with personal wrongdoing. The finger of responsibility is never pointed to him personally.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. JOHNSTON of South Carolina. I ask for an additional minute.

Mr. HENNINGS. Madam President, I allot 1 more minute to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Bear with me, Senators, when I say this to you: Suppose in the heyday of the



power of our votes on this side of the aisle in 1933, in 1936, in 1940, we had attempted to do what the committee report would now have us do. The spectacle and the reflection of that condition should now command your consideration, and more so in the years to come. The precedent you would now establish would return to plague you in years to come.

I contend with all the seriousness that possesses my soul that it is wrong to inflict upon DENNIS CHAVEZ the consequences of all the evils so painstakingly set forth in the committee report and not to charge him at the same time, with a single iota of personal wrongdoing in the perpetration of those evils.

If it is right for Governor Mechem to hold his office as a Republican Governor of New Mexico by these votes, and by this sort of election machinery, if it is right to cast the electoral vote of New Mexico for President Eisenhower, if it is right for two Representatives at Large to hold office, then why is it wrong to cast only 5,000 of the more than 55,000 wrong votes for DENNIS CHAVEZ? Answer that, if you please.

I will not cast my vote to sustain a principle that would maintain Governor Mechem in office and permit the free electoral votes to go to President Eisenhower and at the same time deny those same votes to a respected Member of this body. Perish the thought that would so prompt my conscience.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired. The Chair recognizes the Senator from Missouri.

Mr. HENNINGS. Madam President, I allot 5 minutes to the distinguished junior Senator from Texas.

Mr. DANIEL. The junior Senator from Texas comes from a State which borders on the State of New Mexico. From the wording of the New Mexico election statutes which have been cited concerning voting booths, it would appear that New Mexico has either borrowed the Texas statutes, or that the statutes of both States come from the same source.

In my State it is required by law that in cities of less than 10,000 population voting booths be provided for the voters. I have voted in a city of less than 10,000 population ever since I have been of voting age, and I have never yet seen a voting booth. I say that so that the Senate will know that fraud is not necessarily to be imputed from the failure of election officials to follow the statutes in the furnishing of voting booths.

Mr. BARRETT. Madam President, if the Senator will yield, I wish to correct him. The statute of New Mexico is not identical with the statute of Texas in that respect. Voting booths are required and are mandatory in every precinct of the State of New Mexico.

Mr. DANIEL. I must differ with my good friend, the Senator from Wyoming, because the Texas statute provides that voting booths "shall be furnished." It even states that they shall be "used" at elections in voting precincts in towns or cities of 10,000 inhabitants or less. There is another statute applying to those with more than 10,000 inhabitants.

That statute has been held by the Texas courts to be a mandatory statute. In an election contest in my State the court very properly refused to disfranchise all the people who voted at a certain election precinct simply because the officials of the election failed to follow the mandatory duty of furnishing voting booths. That ruling was made in the case of Altgelt against Callaghan. There was exactly the same kind of contest with which the Senate is faced today.

Mr. BARRETT. Will the Senator give me the citation?

Mr. DANIEL. One hundred and forty-four Southwestern, 1166.

Mr. HENNINGS. The case is cited in the minority views.

Mr. DANIEL. The case is cited on page 16 of the minority views.

This is what the Texas court said in that case:

The provision of the law in regard to voting booths is for the purpose of obtaining secrecy of the ballot and is peculiarly for the benefit of the voter, and while the law in regard to the voters preparing their ballots in the booth should be enforced, the failure to do so would not invalidate the votes of those not using the booths.

So, Madam President, I come from a State which has statutes similar to the New Mexico statutes, and which has had election contests in which this very issue has been raised. The courts of Texas have stated that the law as to voting booths should be followed, but that when the election officials fail to follow the law, the voters are not to be disfranchised, because they were not at fault.

It is possible to cast a secret ballot at a desk or table, in a room if not too many people are admitted, without voting booths and curtains being provided. If not, then the junior Senator from Texas has not cast a legal ballot in his lifetime. As I have stated, in my voting precinct we always vote at tables, although our law states that voting booths shall be provided. Of course, the law should be followed, but I do not know of any similar precincts in my State in which the law is followed. There is no fraud in that; it is simply that the election judges and the voters believe that they can vote secretly at separate tables without booths, and they have followed that practice for many years. I point this out so the Members of the Senate will know that at least in one other State the voting-booth law is not being followed, even though it is mandatory.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. DANIEL. May I have 1 additional minute?

Mr. HENNINGS. I yield to the Senator from Texas 1 additional minute.

Mr. DANIEL. Even though the law is mandatory on the election officials, it is not mandatory on the voters, and the courts of Texas refuse to disfranchise the people when election officials fail in their duties.

In the present contest, no fraud is attributed to Senator CHAVEZ, and no fraud is attributed to the voters of New Mexico. The only irregularity or failure is on the part of the election officials. I wish to say I shall not cast my vote for the dis-

franchisement of all the voters of New Mexico merely because some of their election officials failed to do their duty.

Mr. BARRETT. I allot myself 1 minute, Madam President.

I take this time to answer a point raised by the Senator from Louisiana. He intimated that there was some agreement between the minority member of the subcommittee and the majority that we would end the investigation in New Mexico after the conclusion of the recount in Bernalillo County.

I now read from the CONGRESSIONAL RECORD of May 7, 1953:

Mr. HENNINGS. Mr. President, will the Senator yield further?

Mr. BARRETT. I yield.

Mr. HENNINGS. Is it not contemplated at this time to recount only the ballots in Bernalillo County with a view to determining from such a sample recount what the subcommittee may do as to the ballots in the rest of the State?

Mr. BARRETT. I would say to the Senator that I think he is mistaken. The committee has decided to make a recount of all the ballots in New Mexico.

Later the Senator from Missouri questioned the Senator from Michigan [Mr. POTTER], who said:

Mr. POTTER. I should like to reply to the distinguished Senator from Missouri. I believe he will recall that it was the consensus of the subcommittee that there would be a recount of the ballots cast in the State of New Mexico, and that the first county to be considered would be the large county of Bernalillo, in which the city of Albuquerque is located. I believe that about 25 percent of the total votes cast in the State of New Mexico are cast in that county. At the time of the decision, I think we were more or less informally agreed that we would take a look to see what we could ascertain in New Mexico. I do not believe there was any commitment that we would do one thing or another after looking into the situation in the one county. However, according to my understanding, the arrangement agreed to by the subcommittee was to have a recount of all the ballots in the State of New Mexico.

The PRESIDING OFFICER. The time allotted to the Senator from Wyoming has expired.

Mr. HENNINGS. Madam President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 1 minute.

Mr. HENNINGS. I merely wish to say that during the colloquy, I took one position, namely, that there had been an understanding. My friends and colleagues on the committee took another. I still maintain my position that it was our understanding that, as a test in a so-called pilot county, we would have a recount taken of the votes cast in Bernalillo County, the largest county of the State, containing approximately 25 percent of the total population of the State.

By way of only slight amplification of the statement made by the distinguished junior Senator from Texas [Mr. DANIEL], I may say that the important point to be remembered throughout, when we are considering the matter of mandatory law, is whether the law is mandatory upon the election officials or whether it is mandatory upon the voters. In this case the election law is mandatory upon

the election officials of the State of New Mexico.

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. HENNINGS. Madam President, I now yield 1 minute to the distinguished senior Senator from Arizona [Mr. HAYDEN].

The PRESIDING OFFICER. The Senator from Arizona is recognized for 1 minute.

Mr. HAYDEN. Madam President, at a meeting of the Committee on Rules and Administration at which the pending resolution was ordered to be reported by the Senator from Indiana [Mr. JENNER], inquiry was made as to what the investigation in New Mexico had cost. I stated from recollection that the cost had been approximately \$206,000. At this time I have before me, and submit to the Senate, the exact figures. From February 1, 1953, when the investigation began, through March 8, 1954, they show total expenditure of \$207,553.33.

The PRESIDING OFFICER. The time allotted to the Senator from Arizona has expired.

Mr. HAYDEN. Madam President—  
Mr. HENNINGS. Madam President, I yield an additional minute to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for an additional minute.

Mr. HAYDEN. Madam President, the statement, which I submit, and ask unanimous consent to have printed in the RECORD, also shows the cost of the investigation of the New Mexico Senatorial election contest up to March 15, 1954, as being \$225,116.16, and a total cost, including prospective expenditures through March 31, of \$228,520.24. These are the latest figures I could obtain from the disbursing office of the Senate.

I also ask unanimous consent to have printed at this point in the RECORD, a statement of the sums paid to personnel of the Subcommittee on Privileges and Elections.

There being no objection, the two statements were ordered to be printed in the RECORD, as follows:

**TOTAL COST OF NEW MEXICO INVESTIGATION**  
The Senate disbursing office supplied the following information regarding disbursements of the Subcommittee on Privileges and Elections:

Expenditures as of Mar. 8, 1954.....	\$207,553.33
Vouchers presented for payment.....	852.09
Privileges and elections payroll through Mar. 15.....	1,519.80
Salaries of staff members paid from Rules Committee working on privileges and elections to Mar. 15.....	15,190.94
Expenses to Mar. 15, 1954.....	225,116.16
Prospective expenses through Mar. 31, 1954:	
Privileges and elections payroll Mar. 16 through Mar. 31.....	1,519.80
Salaries of staff paid from Rules Committee working on privileges and elections, Mar. 15 through Mar. 31.....	1,548.65
Voucher submitted Mar. 22 for payment.....	335.63
<b>Total spent from Senate since Jan. 20, 1953.....</b>	<b>228,520.24</b>

*Sums paid to personnel of the Subcommittee on Privileges and Elections, Feb. 1, 1953, through Mar. 8, 1954*

Name and address	From—	To—	Annual salary	Gross salary paid
Benson, John W., Baltimore, Md.	Mar. 1, 1953	Feb. 28, 1954	\$7,819.96	\$7,819.92
Berry, Lewis E., Jr., Cheboygan, Mich.	May 1, 1953	July 31, 1953	10,815.02	2,703.75
Bishop, John E., Oaklyn, N. J.	Mar. 2, 1953	Sept. 30, 1953	7,819.96	4,539.90
Brewer, Patricia E., Albuquerque, N. Mex.	May 21, 1953	do	3,613.89	1,304.98
Brown, Irene, Albuquerque, N. Mex.	Feb. 13, 1953	June 25, 1953	3,805.08	1,405.76
Dennis, Leonard W., Amarillo, Tex.	Apr. 1, 1953	Apr. 5, 1953	6,003.71	83.38
Drewry, John M., Arlington, Va.	Feb. 26, 1953	Apr. 30, 1953	10,068.45	1,817.89
Flanagan, Douglas E., Albuquerque, N. Mex.	Feb. 23, 1953	July 18, 1953	5,238.97	2,124.68
Flanagan, James J., Minneapolis, Minn.	May 12, 1953	Aug. 21, 1953	3,613.89	1,003.83
Garcia, Raymond B., Albuquerque, N. Mex.	May 1, 1953	Sept. 30, 1953	3,613.89	2,063.84
Gutierrez, Albert, Albuquerque, N. Mex.	Jan. 11, 1954	Feb. 17, 1954	5,430.16	
Hill, Burton S., Sr., Buffalo, Wyo.	May 29, 1953	Aug. 15, 1953	3,613.89	772.94
Jack, Alexander J., Albuquerque, N. Mex.	Mar. 3, 1953	June 30, 1953	10,068.45	
Kemp, L. Stanley, Alexandria, Va.	July 1, 1953	Sept. 31, 1953	10,815.02	4,201.44
Lord, Samuel, Jr., Albuquerque, N. Mex.	Feb. 13, 1953	Sept. 30, 1953	5,430.16	3,430.07
Majeski, Emma M., Wenonah, N. J.	Mar. 11, 1953	Sept. 30, 1953	7,819.96	4,344.40
Mirani, Barbara A., Detroit, Mich.	May 30, 1953	July 27, 1953	3,613.89	582.21
Philbin, Richard E., Almonesson, N. J.	Feb. 27, 1953	July 31, 1953	4,091.85	3,305.48
Poorbaugh, Jack M., Cincinnati, Ohio.	Nov. 1, 1953	Feb. 28, 1954	4,665.41	
Richardson, Mary S., Cheyenne, Wyo.	Mar. 1, 1953	June 30, 1953	4,091.85	1,363.92
Scott, Marilyn E., Terre Haute, Ind.	Feb. 1, 1953	Feb. 28, 1954	8,005.36	8,672.43
	Mar. 14, 1953	Apr. 30, 1953	8,279.10	1,080.87
	Feb. 27, 1953	Sept. 30, 1953	3,518.30	2,091.42
	Feb. 2, 1953	Sept. 30, 1953	3,613.89	
	Oct. 1, 1953	Feb. 28, 1954	4,091.85	4,104.06
	Feb. 1, 1953	Feb. 16, 1953	4,283.04	
Strain, Mary L., Washington, D. C.	Feb. 17, 1953	May 31, 1953	4,474.23	
	June 1, 1953	Sept. 30, 1953	4,856.61	4,530.96
	Oct. 1, 1953	Dec. 31, 1953	5,716.93	
Troiana, Thelma M., San Francisco, Calif.	Feb. 27, 1953	Sept. 30, 1953	4,091.85	
	Oct. 1, 1953	Feb. 28, 1954	4,665.41	4,376.22
Ware, Wellford H., Pittman, N. J.	Feb. 1, 1953	Dec. 31, 1953	11,646.00	10,675.50
Warner, Farley W., Ala.	Feb. 1, 1953	July 31, 1953	9,570.74	4,785.36
Webner, Ruth M., Lansing, Mich.	Mar. 10, 1953	Oct. 6, 1953	4,091.85	3,284.76
	Oct. 12, 1953	Jan. 3, 1954	4,091.85	
Woolston, Timothy P., Albuquerque, N. Mex.	May 8, 1953	June 15, 1953	4,283.04	
	June 22, 1953	July 18, 1953	4,283.04	773.31
	June 5, 1953	June 21, 1953	4,091.85	
Bauman, John A., Albuquerque, N. Mex.	June 22, 1953	Aug. 15, 1953	5,238.97	979.06
	June 12, 1953	Sept. 30, 1953	3,613.89	
Cervantes, Hector H., Albuquerque, N. Mex.	Jan. 11, 1954	Feb. 22, 1954	5,430.16	1,727.69
Connolly, James J., Santa Fe, N. Mex.	June 4, 1953	Sept. 30, 1953	5,238.97	1,702.66
Ehrlich, Myron G., Washington, D. C.	June 6, 1953	Sept. 30, 1953	10,815.02	3,454.79
Hannahs, Fred C., Albuquerque, N. Mex.	June 4, 1953	Sept. 30, 1953	3,613.89	1,174.48
Hill, Burton S., Jr., Buffalo, Wyo.	June 13, 1953	Aug. 15, 1953	3,613.89	632.41
Kennedy, Philip F., Jr., Albuquerque, N. Mex.	June 6, 1953	Aug. 31, 1953	3,613.89	853.26
Linner, Marvin E., Albuquerque, N. Mex.	June 4, 1953	Sept. 11, 1953	3,613.89	983.75
Majeski, Robert J., Wenonah, N. J.	June 1, 1953	Sept. 30, 1953	4,091.85	1,363.92
May, James A., Albuquerque, N. Mex.	June 4, 1953	Aug. 31, 1953	3,613.89	873.33
Miller, Robert B., Albuquerque, N. Mex.	June 18, 1953	Aug. 15, 1953	3,613.89	582.22
Sanchez, Patricia S., Albuquerque, N. Mex.	June 4, 1953	Sept. 30, 1953	3,613.89	1,174.48
Brown, Betty Lou, Albuquerque, N. Mex.	June 24, 1953	Sept. 30, 1953	3,613.89	973.71
Kime, Arlene D., Albuquerque, N. Mex.	June 29, 1953	Sept. 30, 1953	3,422.72	874.67
Koenig, James F., Los Angeles, Calif.	July 1, 1953	Dec. 20, 1953	3,613.89	1,706.52
Romero, Eliu E., Albuquerque, N. Mex.	Aug. 14, 1953	Sept. 30, 1953	3,613.89	471.80
Gustafson, Howard S., Campbell, Calif.	Jan. 11, 1954	Feb. 17, 1954	5,430.16	558.09
<b>Total.....</b>				<b>107,339.12</b>
<b>Attorney fees:</b>				
Quincy D. Adams (paid Mar. 8, 1954)				6,875.00
A. T. Hannett (paid Mar. 8, 1954)				6,875.00
				13,750.00
<b>Disbursements made for the period Feb. 1, 1953, through Mar. 8, 1954.....</b>				<b>207,553.33</b>
<b>Balance, Mar. 8, 1954 (COB).....</b>				<b>4,852.07</b>

Mr. HENNINGS. Madam President, I yield 15 minutes to the distinguished senior Senator from North Carolina [Mr. HOEY].

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 15 minutes.

Mr. HOEY. Madam President, I am jealous of the good name of the Senate of the United States. I have the highest respect and reverence for the Members who constitute this body. I believe in their honesty and integrity, and I believe they will not wish to follow the recommendations of the committee in this case.

I have had some familiarity with election contests. Thirty-three years ago I was counsel for an election-contest case in the House of Representatives, when Dr. Ike Campbell, of North Carolina, contested the seat of Robert L. Doughton to be a Representative in Congress from that district. I argued the case before the committee, a majority of whom were Republicans. The chairman of the com-

mittee was the distinguished Representative Luce, from Massachusetts. We had a full and complete hearing. At the conclusion of the argument made on that date the committee gave its verdict in favor of Representative Doughton and demonstrated that partisanship had no part in connection with the determination of the result of an election contest. I thought the Congress of the United States was moving in accordance with honor and high tradition, and that has been the record of the Senate.

It is true there have been many election contests before the Senate, but I think we shall search the records in vain to find any contest which has been sustained on the basis of testimony similar to that produced in this case. Certainly we shall find no record to show that any Member of this body has been unseated on the basis of the allegation of specifications similar to those alleged in the present contest.



What are the two bases upon which we are asked to annul the New Mexico senatorial election in 1952? Only two are basic. One of them is, so we are told, that election booths were not provided in some of the New Mexico election precincts. The other is, so we are told, that information was not given and assistance was not rendered to the voters in order that they might vote in accordance with their will.

The evidence does not disclose that any citizen of New Mexico was denied the right to vote. The evidence does not disclose that any election official of the State of New Mexico was guilty of fraud. The evidence does not disclose that any election official of New Mexico deprived any voter of that State of the right to participate in the election and to have his vote counted.

In other words, in the entire transaction there is no proof that fraud was committed by any election official, much less by the distinguished gentleman who is one of the representatives of New Mexico in this great body, or by anyone representing him.

I think it is a rather unusual situation when we find a committee asking the Senate to expel a Senator who has been an honored Member for approximately 19 years and has given devoted public service to his State and his Nation when the committee admits he has done no wrong, that he has not violated any law, that he is not guilty of any fraud, that he did not use excess money in the election, and when in connection with the entire matter no charge reflecting upon his honesty or integrity or capacity to serve in this body is made.

Is not that an unusual situation, Madam President?

Mr. HENNINGS. Madam President, will the distinguished Senator from North Carolina yield at this time for a question?

Mr. HOEY. I yield for a question.

Mr. HENNINGS. I take it from what the Senator from North Carolina has said that he will agree with what I undertook to say yesterday, namely, that this is not the time or the opportunity to make an example of Senator CHAVEZ, who has served honorably in the Congress of the United States for 24 years, merely because of the failure of some of the officials in the State of New Mexico fully to comply with the minutiae and details of the election laws of New Mexico. Does the Senator from North Carolina agree with me as to that?

Mr. HOEY. Yes; and I thank the distinguished Senator from Missouri for asking the question. I was about to emphasize that point.

Mr. HENNINGS. I thank the Senator from North Carolina.

Mr. HOEY. Madam President, I have always understood that honor was personal, and that disqualification arose because of failure to perform one's duty or because of the commission of some wrong or some fraud by the person involved or by someone acting in his behalf.

In this case there is no scintilla of evidence to show that any of the irregularities which occurred were either procured by Senator CHAVEZ or any friends of his

or were the result of any move or desire or purpose on his part.

What does it all mean, Madam President? We are told, "There were no voting booths at some places."

Yet it has been fully explained that no one was deprived of a right on that account, and the law does not impose a penalty upon the voter simply because no booth was provided for him.

After all, a voter can go into a fairly good-sized schoolroom and mark his ballot secretly and privately, if he wishes to do so. When no election booth is provided, as is said to be the case in the election in New Mexico, that was a rather good way to handle the situation.

It may be said that perfect compliance with the election laws of the State should be expected. However, we cannot expect perfection where perfection does not exist.

Although I do not defend at all any irregularities in the practices in connection with elections, for I think the rights of all voters should always be protected, yet it would be unfair and anomalous to say that a United States Senator should be punished because of some election irregularities, and that, in addition, all the people of the State of New Mexico should be punished because some of their election officials did not comply with the law.

Madam President, what was the matter with the election in New Mexico? After all, it ran true to form. For three elections prior to this one, the people of New Mexico had elected DENNIS CHAVEZ as United States Senator from New Mexico, and had defeated General Hurley in his bid for election to the same position. So it had become rather a habit with the people of New Mexico to elect DENNIS CHAVEZ as one of their United States Senators, and to defeat General Hurley. Thus, they were running true to form and in accordance with the customs and habits of the generation. Therefore there is nothing unusual about it.

General Hurley had run in elections before. He says that such irregularities occurred at other times. If he knew that, he could have gone before the courts of New Mexico and demanded a writ of mandamus to force the election officials to provide booths at various places; but he elected not to do so. When he elected not to do so he accepted the conditions which existed, and about which he knew, and participated in the election. It is a late time to come now and ask not alone for a recount—which went against him—but to ask that the entire election in that State be canceled out, thus depriving that State of half its representation in the United States Senate. I think it is a most unusual proceeding in many respects. I cannot conceive of this body being asked to take the position that because of simple irregularities of this kind we should say that the entire election was null and void.

My good friend the distinguished senior Senator from Oregon [Mr. CONDON] has asked that the Governor of New Mexico be requested not to appoint a successor to Senator CHAVEZ in the event it is decided that there was no

election. Of course, the Governor of New Mexico would have no right to violate the law and the Constitution, both of which provide that he shall make an appointment to fill a vacancy when it occurs.

Furthermore, it would be a rather unusual thing to say that we are to deprive the people of New Mexico of half their representation in the Senate for the remainder of this term, and until the election in November.

Is there any reason why such punishment should be visited upon a State and its voters? Is there any reason why punishment should be visited upon an innocent man who has served his State and the Nation in this capacity? We have always felt that punishment ought to be visited upon those who are guilty, those who violate the law, those who commit offenses. Throughout our entire jurisprudence there is no provision for punishing the innocent. Yet in this contest, if the recommendation of the majority of the committee should be accepted and acted upon by the Senate, we would be imposing punishment upon the people of New Mexico and upon the distinguished Senator from New Mexico. My sense of fairness and justice revolts against the conception of an administration of justice in that fashion. I do not think it is in harmony with the high traditions of the Senate and of the Congress in general through all the years and through all the contests we have had, to determine a contest on that basis and to deny the elemental principles of right and justice to a Senator who has served with us for so long and so well, and who has made a great record of service to his State and to the Nation.

I believe that as we consider this question, the thought will appeal to our consciences that when we come to determine the right, we should apply it in the same way as though the contest related to our own State.

There is no Senator who does not know that in his State there are some irregularities; but let it be said that after all the investigations which have been made, after great sums of money have been expended, many witnesses examined, and many affidavits procured, there is not a scintilla of evidence to show that the result would have been different if there had been no irregularities. There is not a thing to show that Senator CHAVEZ profited by any of the irregularities, or that General Hurley was disadvantaged by any of the irregularities.

Is it not an unusual thing to say that we are going to nullify an election when such irregularities as have been presented do not prove that if there had been no irregularities the result would have been different? As evidence that that was true—that there would have been no difference—I cite the fact that when the recount was over, instead of losing, Senator CHAVEZ gained. Therefore, there was no change and no detriment to General Hurley. The only detriment in this case, if the committee report should be adopted, would be a detriment to Senator CHAVEZ, and a detriment to the sovereign citizens of New Mexico.

Mr. GORE. Madam President, will the Senator yield?

Mr. HOEY. I yield to the Senator from Tennessee.

Mr. GORE. It was my pleasure to serve in the House of Representatives with a distinguished Representative from New Mexico who later served as Governor of that State, and then returned to the House of Representatives. He recently told me that he and his lovely wife, whom I know, waited in line for more than an hour to cast their ballots, but because of the crowded conditions and the unusual number of voters who went to the polls, they were unable to cast their ballots in a booth. This former Governor, former Representative, and present Representative, and his wife from that State, marked their ballots, as did many other citizens, outside the booth, but, nevertheless, he tells me that they marked them in secret. Their choice was known only to themselves. They feel that their ballots should be counted and that they should not be disadvantaged. I refer to Hon. JOHN J. DEMPSEY, a Representative in Congress from the State of New Mexico.

Mr. HOEY. I thank the distinguished Senator from Tennessee.

The election laws enacted by the State of New Mexico to provide booths into which voters might go to mark their ballots in secret are for the protection of the voter. The laws which permit voters to receive assistance are for the information and aid of the voters. That does not mean that the voter ought to be deprived of his right when such facilities are not provided and that we ought to take away from him his privilege merely because some election official did not provide enough booths.

In this instance we are dealing with people who are guilty of nothing wrong. It is proposed to take away from them their right of suffrage, their sovereignty, and to take from the distinguished senior Senator from New Mexico his seat in the United States Senate. I cannot believe that the Senate would wish to perpetuate such a wrong.

Mr. JOHNSON of Texas. Madam President, may we have a statement of the remaining time?

The PRESIDING OFFICER. The opponents have 15 minutes, and the proponents 37 minutes.

Mr. BARRETT. Madam President, I yield 15 minutes to the senior Senator from Oregon [Mr. CORDON].

Mr. CORDON. Madam President, I rise in support of my amendment to the pending resolution. I have been somewhat surprised to find an amendment which seeks only to guarantee common logic and common sense in a proceeding before the Senate so viciously attacked on the floor of the Senate. Even Senators who are opposing the pending resolution have taken the position that the resolution was incongruous in its effect. That was the word used by the distinguished Senator from Missouri [Mr. HENNING] in his minority views. Its effect was incongruous, in that in one breath it would hold an election in New Mexico to be invalid, and in the next breath require the appointment of a United States Senator by a Governor who was elected at that invalid election.

Of course, that is incongruous; it is certainly wholly illogical, and, so far as the Senator from Oregon is concerned, it would create such a situation that he could not in good conscience vote for the pending resolution, even though otherwise all the facts justifying the adoption of the resolution were found to be present.

In substance, this amendment simply states that the view of the Senate is that a successor to Senator CHAVEZ—if he should be unseated—should come into the Senate only pursuant to an election under the laws of the State of New Mexico.

Madam President, I understand that some question has been raised with respect to the constitutionality of such a provision. That question certainly would not be raised by a lawyer. I doubt whether it would be raised by a layman who understood the word "constitutionality." Constitutionality has nothing whatever to do with it. In the first place, the language has no legal effect. It is a statement by the Senate that if the resolution is adopted, and the Senate thereby holds the election in New Mexico to be invalid, the Senate feels that the seat which is vacant should not be filled by a Governor who was elected at the same invalid election. It means nothing more.

There is no legal effect attaching to it, because if the Governor of New Mexico, in the event the resolution should be agreed to, with or without the amendment being attached to it, were to appoint anyone to fill the vacant seat and that person were to come to the Senate equipped with a proper certificate of appointment, it would be up to the Senate either to question his coming and determine whether he should or should not take the seat, or he would be seated on the basis of the certificate of appointment from the Governor of New Mexico.

However, it seems to me that if the Senate were to find, under the evidence, so far as I have been able to get it, that the election was so mishandled that it could not be said to have been a valid election, then certainly the Governor of New Mexico, who was elected at the same election, should at least have before him something from the Senate indicative of the Senate's views with respect to any action that might be taken by him.

Of course, there is an anomaly in the situation; there is no question about that; but the anomaly is more seeming than real. We must understand that the Senate can only act with respect to the qualifications of its Members. It cannot declare any election void with respect to anyone else but its Members. There is no judicial effect to any decision by the Senate of the United States with respect to anyone except itself. Consequently, it can make the finding proposed by the majority of the committee, and so far as its membership is concerned it is a valid finding. So far as anyone else who may have been declared elected at the same election is concerned, it has no effect whatever, and can have no effect whatever.

Mr. LEHMAN. Madam President, will the Senator from Oregon yield?

Mr. CORDON. I am sorry, but I cannot yield in the time I have allotted to me. The language of the amendment is nothing more than a statement by the Senate of the United States that it believes, inasmuch as the election is invalid as to the Senate seat, the person who was elected Governor at that same election should not, by virtue of his position resulting from that election, appoint to the Senate anyone who would, as the result of that election, be holding office under an election which the Senate has held to be invalid.

That is as far as the amendment goes. It is a sound amendment, in the view of the Senator from Oregon, and it should be supported by every thinking Senator who believes that there should be logic and good sense in all actions taken by the United States Senate.

Before I take my seat I should like to say that my position in this matter does not in any way reflect upon the honesty, upon the good citizenship, and upon the integrity of DENNIS CHAVEZ. My vote in this case is based on the fact that there was no election in the State of New Mexico, and my vote rests upon what I find in the record, which is indicative of a general failure to carry out New Mexico's own law. If the Senate is barred from passing upon that question, then I do not see how, under the provisions of the Constitution, it can do its full duty in passing upon elections and upon the qualifications of its membership.

I yield back the remainder of my time.

Mr. BARRETT. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. Twenty-seven minutes.

Mr. BARRETT. I yield myself 3 minutes.

At this point I ask unanimous consent to insert in the body of the RECORD a comparison of the cost of the present contest with that of the contest in the case of O'Connor against Markey, in 1947 through 1949.

There being no objection, the comparative statement was ordered to be printed in the RECORD, as follows:

#### COMPARATIVE ELECTION CONTEST COSTS INVOLVING RECOUNTS

The following is taken from page 4 of minority views, report 1081, part 2:

"The investigation by the subcommittee in this case has required over 13 months, and more than \$200,000 of the taxpayers' money has been spent in an attempt to establish the truth of General Hurley's allegations. Spacious offices, elaborately furnished, were occupied by the chief counsel and by subordinates recruited from all over the country. The staff was abundantly supplied with automobiles.

"It is of interest, parenthetically, to note that the expenses involved in the New Mexico investigation totaled more than twice the amount of money ever before expended in any election contest in the history of the United States Senate."

Comparison is made with the O'Connor-Markey case in which the Maryland senatorial election of 1946 was contested. This case involved a recount of approximately an equivalent number of paper ballots as did the New Mexico contest. The Maryland investigation required 18 months (Rept. No.



554, 81st Cong., 1st sess.) and cost approximately \$250,000 (Senator HAYDEN, p. 7082, CONGRESSIONAL RECORD of June 12, 1952.)

In addition, attorney fees of \$35,313.37 were paid by Senate Resolution 127, 81st Congress, 1st session, agreed to July 6, 1949.

C. 1949, 1950, 1951, 1952 (81st and 82d Cong.) (4 years)

Authorized:

S. Res. 250.....	\$50,000.00
S. Res. 311.....	25,000.00
S. Res. 209.....	10,000.00
S. Res. 262.....	75,000.00
S. Res. 333.....	100,000.00

Total..... 260,000.00

Transferred to Barrett subcommittee..... 105,298.71

Spent..... 154,701.29

Investigations held in 12 States: Ohio, Michigan, New York, Nevada, Florida, Rhode Island, Idaho, North Carolina, South Carolina, Kentucky, Maryland, Maine, and the Benton-McCarthy investigation.

Mr. JOHNSON of Texas. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Madam President, I ask unanimous consent that the order for the call of the roll be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois [Mr. DIRKSEN] is recognized.

Mr. DIRKSEN. Madam President, an election contest is always a very unhappy episode. It necessarily involves one who sits among us; and, I suppose, try as we will, it is impossible completely to sublimate the party zeal and the party feeling that often go with it. That is very understandable; but I think there is sufficient flexibility of talent in this Chamber so that we can make the proper discount for that zeal. We should approach the matter, I think, with some caution and with some restraint.

Madam President, there have been some election contests in my own State. In 1908 a man who had served seven terms in the House of Representatives was refused a seat in this very body because of an alleged corrupt usage and practice by which an election was procured. I am referring to William Lorimer, of Chicago.

In 1927 there was another contest in the course of which this body refused a seat to an elected Senator from the State of Illinois, of the name of Frank L. Smith, a man whom I had always regarded as an impeccable character. He was always so regarded in the State of Illinois. Yet, he was refused his seat because of the allegation that there was a misuse of funds in quantities which seemed to denote and to connote that perhaps the election had been procured by fraud.

So I have something more than a casual interest in the contest which is before the Senate today. I try to sublimate my own zeal, and for a very good reason. I served with DENNIS CHAVEZ in the House of Representatives in the 73d Congress.

Mr. BARRETT. Madam President, will the Senator from Illinois yield?

Mr. DIRKSEN. Very briefly. Mr. BARRETT. In either of those cases, was it charged that the candidates for Senator, men elected from Illinois, had themselves been guilty of any fraud?

	O'Connor-Markey	Chavez-Hurley
Date.....	1947-49.....	1953-54.....
Recount.....	Yes.....	Yes.....
Number of paper ballots.....	Approximate equivalent.....	Approximate equivalent.....
Location.....	Maryland.....	New Mexico.....
Area in square miles.....	10,577.....	121,666.....
Distance from Washington, D. C.....	Nearby.....	2,000 miles.....
Salaries, transportation, and costs in general.....	.....	Much higher than in the 1947-49 period.....
Investigation cost.....	\$250,000.....	\$199,750 (absolute); \$177,250 (adjusted).....
Attorneys fees.....	\$35,313.37.....	\$13,750.....

The above comparison shows how greatly exaggerated is the statement that the expenses involved in the New Mexico investigation totaled more than twice the amount expended in any other election contest in the history of the United States Senate. Taking into consideration the factors of location, area, and higher overall costs, it also shows the New Mexico contest cost much less than that in Maryland. By comparison, it demonstrates the economic conduct of the New Mexico investigation.

Mr. HAYDEN. Madam President, will the Senator yield?

Mr. BARRETT. I do not have the time to yield. I am sorry.

Mr. HENNING. Madam President, I yield 1 minute to the distinguished Senator from Arizona.

Mr. HAYDEN. Do the figures in the statement the Senator has submitted have any reference to any data I gave in this connection?

Mr. BARRETT. I do not believe so. The figures show the total expenditures in the contest in the Chavez-Hurley contest to be \$199,750, and in the O'Connor-Markey contest, \$250,000 plus \$35,313.37 for attorneys' fees, which means that the O'Connor-Markey contest, which involved about the same number of paper ballots, cost approximately \$35,000 more than the Hurley-Chavez contest.

Mr. HAYDEN. The statement made by the Senator from Wyoming must be incorrect, because the total amount of money spent during the 80th Congress by the Subcommittee on Privileges and Elections was \$350,153.93. Of that amount, according to my figures, the Maryland contest, namely, the O'Connor-Markey contest, cost \$145,999, which included \$35,313.37 for attorneys' fees.

The PRESIDING OFFICER. The time of the Senator from Arizona has expired.

Mr. BARRETT. Madam President, I may say to the Senator from Arizona that the figures I have before me were taken from the books in the office of the Subcommittee on Privileges and Elections, and they cover not only the 80th Congress, but the years 1947, 1948, and 1949.

Mr. HAYDEN. Madam President, if I may interrupt the Senator—

Mr. BARRETT. I am sorry, Madam President, but I have only a few minutes available.

Yesterday I cited the case of Moore against Seymour. Today I wish to invite the attention of the Senate to the case of State against Carswell, which is also a Georgia case. It may be found in 50 Southeastern 2d, at page 621. The case was decided in 1948, and it affirmed the decision in the case of Moore against Seymour.

Madam President, I yield the remainder of the time to the Senator from Illinois [Mr. DIRKSEN], but before I do so—

Mr. JOHNSON of Texas. Madam President, if the Senator from Wyoming will yield to me for a moment, I should like to propound a unanimous-consent request, namely, that we may have a quorum call without the time consumed by it being charged to either side.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

The Chair hears none, and it is so ordered.

Mr. HENNING. Madam President, before the Senator from Wyoming yields to the Senator from Illinois I should like to yield 1 minute to the Senator from Arizona, so that he may complete his statement relating to the cost of the various contests to which reference has been made.

Mr. HAYDEN. Madam President, I should like to insert in the RECORD a tabulation taken from the reports of the Secretary of the Senate. It shows the amount of money expended in the 79th Congress to have been \$38,326.43; in the 80th Congress, \$350,153.93; and in the succeeding Congresses, the 81st and 82d, a total of 4 years, \$154,701.29. I ask unanimous consent that the table be printed in the RECORD at this point as a part of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[Taken from reports from the Secretary of the Senate]

#### A. 1946 (79th Cong.) (1 year)

Amount authorized:	
S. Res. 224.....	\$30,000.00
S. Res. 308.....	20,000.00

Total..... 50,000.00

Amount returned to Senate..... 11,373.57

Spent..... 38,626.43

Hearings held in Mississippi and Montana, investigations in Delaware and Maryland.

#### B. 1947, 1948 (80th Cong.) (2 years)

Authorized:	
S. Res. 54.....	\$35,000.00
S. Res. 114.....	85,000.00
S. Res. 142.....	95,000.00
S. Res. 233.....	100,000.00

Total..... 315,000.00

Maryland counsel (S. Res. 127)..... 35,313.37

West Virginia counsel (S. Res. 325)..... 10,000.00

Total..... 360,313.37

Not used..... 10,159.44

Spent..... 350,153.93

Investigations held in West Virginia, Maryland. Second primaries in Texas and Oklahoma.

Mr. DIRKSEN. No, indeed. There was no imputation of fraud which had attached to them at any time. The issue revolved wholly upon what had happened in the course of the election.

I wish to make it abundantly clear that in anything I may say today, there is no imputation of fraud upon the part of the distinguished Senator from New Mexico. I have never disparaged him in all my lifetime, so far as I know, and I have known him a long time. I have known General Hurley, as a matter of fact, since the days when he was Secretary of War. I regard him as a man of repute and of high character.

But, frankly, an election can be invalid without attaching any stigma or odium to the principals who may have been involved because we are dealing, first of all, with zeal and, sometimes, the misconduct of party workers. Consequently, we are dealing with organizational tactics in a political campaign.

For years there was a standing canard that when a Republican ran for the Senate in the State of Illinois he could proceed on the theory that he had to discount 100,000 votes when he started, because there would be thievery to that extent in the northern end of the State. That is a very unhappy statement to make.

From time to time, attorneys general have been on the ticket, running upon the basis of clean campaigns and clean elections in the State of Illinois. So, certainly, when a man was elected and a contest developed, it was not a case of imputing moral turpitude to him, but rather that because of the vagaries and elements of misconduct in the organization, and in the tactics of the organization, the election had been invalid.

I had a similar experience when I first ran for Congress. I lost in the primary by 1,100 votes. Friends barged in right away to say there had to be a contest; that I must contest the election. I never felt that I wanted to do it.

On the other hand, I do not believe the Senate can shirk an issue which contains an element of morality, a fundamental element of the purity of the ballot, which is exactly what is involved in this case. A constitutional duty rests upon the Senate, because the Constitution provides that the Senate shall be the judge of the elections, returns, and qualifications of its Members.

No voice has been raised about the qualifications of the Senator from New Mexico in his individual capacity. The question which has been raised is with respect to the election and the returns, and nothing more. Consequently, the Senator from New Mexico does not become an issue in this case at all.

Essentially the facts already have been noted. I shall not trespass on the patience of the Senate by going into them too deeply. But when all is said and done, the gist of the findings which are before the Senate is, first of all, that there was a violation of the mandatory secrecy law of the State of New Mexico, which affected some 55,000 voters. I do not believe that either the figure or the assertion actually has been contested. The fact is that 55,000 votes in this election are suspect, and that is

something to which the Senate must look.

The second element before the Senate is a violation of the assistance law, because some 4,000 allegedly illiterate, blind, and handicapped voters were assisted in a way which certainly persuades me, after an examination of the record, that there was a violation of the law on that point.

The third element before the Senate is fraudulent alterations of ballots in 33 precincts. I do not pretend to say, because I have not lived with this matter, how many votes were actually affected; but certainly 17,325 votes were involved in those precincts. As I examined the allegations in some of the affidavits, certainly those votes were suspect.

The fourth item was the premature destruction in six counties of New Mexico, of 13,000 ballots by court order, in clear violation of law. There is a rather interesting observation about those burned ballots, and I wish to refer to that matter first, because I think it is of transcendent importance. Let me show how the minority views err, so far as the burning of ballots in Dona Ana, Lincoln, and Otero Counties is concerned. The minority member of the subcommittee, the distinguished Senator from Missouri [Mr. HENNINGS], at page 38 of the minority views, says:

It appears that the ballots in these counties were burned by order of the district judge prior to the expiration of the time required by law. I do not attempt to justify their premature destruction. However, in order to place this matter in its proper perspective and to repel the veiled illusions of fraudulent intent which the majority report contains, I must make a few points in this connection.

Here is the point he makes:

This subcommittee sent a telegram on February 4, 1953, advising the county clerks and district judges throughout the State of New Mexico of its intention to investigate the United States senatorial election held in New Mexico on November 4, 1953.

The next sentence, which is printed in italics, reads:

By that time, all of the ballots in question had already been destroyed.

That telegram went from Washington to New Mexico on the fourth day of February 1953. What an odd circumstance that 2 days before, on the 2d of February 1953, all the ballots in three of the counties of New Mexico should have been destroyed by court order. What was wrong with that court order? An amazing judge sat upon the bench in New Mexico. Evidently he could not have examined the text and terminology of the order he issued, because the language of the order itself is very plain. It says:

More than 75 days have elapsed since the adjournment of the State canvassing board, which canvassed the results of said election.

Madam President, 75 days had not elapsed. Only 45 days had elapsed before the judge ordered the destruction of the ballots.

But what else? The law is clear that there is a statutory duty upon the county clerks in New Mexico to handle such

matters, and that duty was entirely ignored.

The third point about the amazing court order, which caused the destruction of those ballots, is that the county chairmen of both parties in every county were entitled to notice, and there is not a shred of evidence in the testimony or the affidavits which have been filed to indicate that the county chairmen ever were notified.

But that is not the whole story. The county clerks should have taken judicial notice of what had happened, because it was 3 months earlier, on December 8, 1952, that General Hurley sent notice to all county clerks in New Mexico that the election would be contested. There was notice to every county clerk, there was notice to everyone who had an interest in the matter, that there was to be a recount and an examination into the ballots.

Notwithstanding that, Madam President, 90 days later, by some amazing episode, a man upon the district bench in New Mexico ordered the burning of the ballots. Will the Senate consent to that kind of procedure? It seems to me that, under those circumstances, all the ballots would be suspect and would justify the action taken by the Senate of the United States in dealing with this issue.

These, then, are the 5 issues involved: Lack of secrecy, involving 55,000 votes; illegal assistance, involving 4,000 votes; ballot alterations, involving 17,000-plus votes; destruction of ballots, involving 13,000 votes, and failure to account for 7,000 unused ballots.

If that is not sufficient justification for the United States Senate to take affirmative and favorable action on the majority resolution, then I do not know how a case is made before the Senate.

It must be made abundantly clear, Madam President, that the senior Senator from New Mexico is not in issue this afternoon in this body. The Senate is in issue. The election system of New Mexico is in issue; not an individual.

I would utter no word in this Chamber or elsewhere to reflect upon the integrity or to impugn the motives of my good friend from New Mexico, with whom I served in the other body for almost 20 years, and with whom I have served on this side of the Capitol. He is not the issue, because we are dealing with the adequacy and the sufficiency of an election system.

It has taken us 60 years to get the Australian ballot in this country; and what is involved in the ballot? It is something more than a mere ballot; it is, as a matter of fact, an entire system, because what is designed and what is understood by the Australian ballot system is, first of all, a printed ballot, which is printed under supervision and official surveillance. Secondly, it involves a booth where a voter can go, uninfluenced and unaccompanied, unless he is blind or illiterate or handicapped, and mark his ballot as a free American citizen. Third, the system involves a receptacle which is sealed, into which the voter can place his ballot. Finally, there is provided a tabulation, under the supervision of official authority, at which each party, if it so desires, can have a representative or a



checker. So we start with a printed ballot. We include a booth. We include a receptacle for the ballot. Finally, we include a tabulation, so that there will be an official count.

Madam President, that is what is involved here; and, on the basis of the evidence, there were violations of the whole spirit and concept of the Australian ballot system, first, because there was a violation of secrecy. That cannot be denied. There was a violation of the law relating to assistance of illiterates, the blind, and the handicapped. There was a violation so far as alteration of ballots is concerned. There was a violation of the law by the act of a sovereign judge in ordering the destruction of ballots 2 days before he received a telegram from Washington that such ballots might be impounded and then be subject to a recount.

I heard it stated this morning—and it is amazing in view of all the arguments we have heard about guarding the secrecy of the ballot—that there is involved nothing more than a representation or bargaining election, where the interest of two conflicting units are in issue, which may not affect more than 100 or 200 people of a city. Yet this Chamber has rung with stentorian voices indicating how interested we were that under the Taft-Hartley law, and its predecessor, the Wagner Act, there had to be a guarding of the secrecy of the ballot, in order to make sure that there would be no tampering. We even sent officials from Washington to monitor Taft-Hartley elections to make sure that the secrecy of the ballot was not violated. How much more important is it, then, when the interests of a whole sovereign State are involved? It is the system that is involved; it is the State; it is not the individual who sits in the Senate today, and whom I have always counted as my friend.

The law is so abundantly clear that one can read and understand it without a pair of bifocals because section 1, article 7, of the New Mexico Constitution, states:

The legislature shall enact such laws as will secure the secrecy of the ballot, the purity of elections, and guard against the abuse of the elective franchise.

It is inconceivable that Congress, in voting on the enabling act by which New Mexico came into the sisterhood of States, would ever have approved the act unless New Mexico first wrote into her constitution those solemn words to safeguard the sanctity and the purity of the ballot.

If that be the case—and that truth can be assumed—then there is a corollary duty, namely, that on the basis of what has been adduced by the investigation, we now follow through and support the majority opinion and declare that no election was held, so that large groups of people will not have been disfranchised in the State of New Mexico.

Mr. President, much has been made of the fact that between \$170,000 and \$200,000 has been expended in the investigation. That is a rather amazing argument. The McCarthy committee was granted \$216,000 by the Senate. Why?

In order to ferret out people who had fell and evil designs in their hearts and who would subvert the free traditions and free institutions of this country. The Jenner committee was given several hundred thousand dollars so that it might conduct its explorations and inquiries, to make sure that stealthy people, with subversion in their hearts and iniquity in their souls, would not destroy the citadel of freedom from within.

I know of no better way to destroy the citadel than to prostitute the ballot. I know of no better way to jeopardize the future of America than to pooh-pooh and to laugh at the idea that here is something that is nothing more than a frothy issue. This is a fundamental question, for when there is lost the sanctity of the ballot, which is the expressed voice of a free citizen, then representative government is on the way out, and we might as well embrace some foreign ideology which knows nothing about the free expression of a free citizenry.

Is \$170,000, then, so much? Is \$200,000, then, so much? If the amount were greater, it still would not be very much when one stops to consider the moral issue which is involved, and which is before the Senate this afternoon.

I repeat what I said a moment ago DENNIS CHAVEZ is not the issue; and I trust that, neither by word nor deed of mine, expressly or by implication, have I attached to him any stigma or any odium, or have given any notion that he does not still possess the confidence and the esteem of all his colleagues in this body. But he is not the issue; it is the prostitution of the election system in the sovereign State of New Mexico. Are we going to accept what has been done?

I was amazed this morning, as I read the Washington Post, to take note of the last sentence in an editorial it carried, because the title of the editorial is "New Mexico Senator," and the last sentence reads as follows:

The result had better be left alone, and the State put on notice to conduct its balloting more carefully in the future.

That is like striking with a pink powder puff. It is like saying to the people of New Mexico who may have been guilty of election violations, "Now boys, be just a little careful in the future. Do not be quite so excessive. Do not be quite so gross. Do not be quite so flagrant in what you do in the course of an election. I admonish you now, with a pat on the wrist, in polite social language, that you must not do this sort of thing. We are now admonishing you."

What a strange answer that would be, to the editorials in some of the newspapers of New Mexico, several of which are on my desk. I have one here from the Albuquerque Tribune. Here is one from the New Mexican. I do not know what the political complexion of those newspapers is. They may be Republican; they may be Democratic; they may be independent; but this I know: that the people of New Mexico, after three contests, have become utterly weary and sick and tired of this kind of performance, and they want a house cleaning. Where shall they go under such cir-

cumstances except to the Senate of the United States, because the issue must necessarily come here, inasmuch as it is our constitutional duty to pass upon the elections and returns of our Members, and I do not propose to evade that duty on this occasion.

Mr. President, when it is over, I shall abide the result, and I shall go over and shake hands with my good friend, the Senator from New Mexico [Mr. CHAVEZ], whom I have esteemed for a long time. But we are dealing with a system. If we do not take account of it now, the result could be an open invitation to those who wish to destroy the ballot elsewhere and wish to violate its sanctity, to go ahead and, in so doing, to create a condition which, in truth and in fact, would be a menace to the preservation of free, representative government in the United States.

The issue is clear.

The PRESIDING OFFICER (Mr. BUSH in the chair). The time allotted to the Senator from Illinois has expired.

Mr. HENNINGS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD several editorials bearing upon the New Mexico election contest.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post and Times-Herald of March 23, 1954]

#### NEW MEXICO'S SENATOR

Despite serious irregularities in New Mexico's election procedures, there seems no warrant whatever for unseating Senator DENNIS CHAVEZ. The Senate is considering a recommendation by an elections subcommittee that Mr. CHAVEZ' seat be vacated. We think the Senate will be better advised if it heeds the blistering minority view filed by Senator HENNINGS, who charges that the majority report "is so inaccurate that it can only serve to mislead the Senate," that the minority member and counsel of the subcommittee were "excluded entirely" from the group's activities and deliberations, that if the Senate unseats Senator CHAVEZ, "it will, for the first time in the history of the Senate, vote to expel a duly elected United States Senator against whom no charge or suggestion of election fraud or irregularity has been made."

The fact is that New Mexico's election customs and procedures seem to pay scant respect to ballot secrecy. They ought to be reformed—and drastically. But nothing in the costly, prolonged, and flagrantly partisan subcommittee study—it rolled up a bill of more than \$200,000 paid out of public funds—shows that Senator CHAVEZ or his party was responsible for the irregularities or profited from them in any way. There is nothing, in short, to show that the outcome of the election was affected by the irregularities.

If New Mexico's defective procedures makes Senator CHAVEZ' election invalid, they also invalidate, of course, the election of the State's Governor and of its presidential electors, indeed of the victors in all the other contemporary electoral contests in New Mexico. The effect would be to disfranchise the State's citizens—a cure rather worse than the disease. Senator HENNINGS is quite justified in saying that it would "compound injustice" to empower the Governor, "who was chosen at the same election, under the same conditions and circumstances, and by the same voters whom the majority now seeks to disfranchise—to name a successor to Senator CHAVEZ." The result had better be left

alone and the State put on notice to conduct its balloting more carefully in the future.

[From El Crepusculo, Taos, N. Mex.]  
AS WE SEE IT FROM HERE

The investigation into the Chavez-Hurley senatorial contest started the day after election in November of 1952. To date it has, therefore, consumed a little over 16 months. And to date, with the exception of the premature burning of the ballots in three southern counties, a fact which we knew long ago, it has brought up no specific facts to prove its contention of widespread irregularities.

The investigation committee has, however, burnt the smudge pots so successfully that the rest of the country is now convinced that there is something particularly murky and suspicious about New Mexico elections.

Now, with the completion of the report, a great many New Mexicans have themselves become convinced that there is something very wrong indeed with our election system and with our election officials. From newspaper editorials to Albuquerque housewives being interviewed by reporters, people are calling for a cleanup.

BUT WHY BELIEVE IT?

But were the election procedures so bad as this attitude implies? We doubt it. In fact, we say that—at least, as far as Taos County is concerned—we think that conditions were remarkably good. And Taos has been considered amongst the most questionable of the counties; it was one where the Chavez lead was strong.

Let us take precinct 1-A, the largest precinct in the county, which for the most part went heavily Republican, but where CHAVEZ stayed consistently in the lead throughout the count. That, therefore, makes it a "hot" precinct in this election contest; in fact, the Hurley forces considered it so hot that they sent in the notice to impound the ballots on election day itself and well in advance of the completion of the count. The notice reached the election officials around 6:30 in the evening, when only about half the ballots had been tallied. Counting did not finish until 8 o'clock the following morning.

OFFICIALS CHECK ON EACH OTHER

The group of officials was as follows: there was 1 Democratic election judge and 1 Republican; their duties were to generally supervise the election. There was 1 Democratic poll clerk and 1 Republican; their duties were to see that only properly registered voters were allowed to vote. There was 1 Democratic counting judge and 1 Republican; their duties were to total the straight ballots, each judge counting those on both sides; and in the case of scratched ballots, to call out the votes, ballot by ballot, and candidate by candidate, to the tally clerks. There was 1 Democratic tally clerk and 1 Republican, their duties being to mark the votes on the sheets and make up the totals.

The Republican officials were able people, conscientious on behalf of their cause, and not in the least likely to allow the Democratic officials to be slipshod. Each side had ample opportunity to check the other. At the end of the count, all the officials, both Democratic and Republican, signed the election report, testifying that to the best of their knowledge and belief, the count was correct.

A SECOND WIND

Without impugning the honesty of the officials, people are very likely to question the correctness of the result on grounds that no man or no woman can count all day and all night and remain accurate. However, when people are under stress, surprising abilities emerge. Experienced election officials say that they get a curious second wind, and end up actually being more accurate

than they would have under normal conditions.

NO SECRECY?

Perhaps the most common charge made by the Hurley investigators has been the one charging lack of secrecy due to insufficient voting booths.

But let us look at the facts.

In precinct 1-A County Clerk Mrs. Oakley set up 5 private booths, which, considering the limited election funds at her disposal, we consider doing well.

During various periods of the day, there was such a crush of voters that many of them, businessmen wanting to get back to their desks or housewives wanting to get home, marked up their ballot wherever there was a flat surface and the necessary privacy and proceeded to vote. Their way of doing it was their own business, and no reason to accuse the election officials of violation of the secrecy laws.

INVESTIGATORS DID NOT QUESTION

The officials of precinct 1-A would have been glad to explain these facts to the Hurley investigators had they been asked. But they were not asked. The investigators never approached them. So the precinct remains under a cloud, without ever being given the opportunity to clear itself.

Such may well be the case over the rest of the State.

We trust that the people of New Mexico will not be pressurized into believing they ran a dishonest election when they didn't.

[From the Albuquerque (N. Mex.) Journal of March 12, 1954]

THE CHAVEZ-HURLEY REPORT

It is highly doubtful, of course, that the United States Senate will finally adopt the report of its elections subcommittee and throw DENNIS CHAVEZ out of the Senate through the process of declaring the New Mexico senatorial election null and void—no contest.

But let's assume that will happen. So where do we go?

The subcommittee, through its pretentious and high-priced array of investigators sent to New Mexico, found that some 80,000 votes should be thrown out and that as a result it was impossible to determine whether Pat Hurley or DENNIS CHAVEZ had been elected.

As we understand New Mexico law, however, each vote at issue must be challenged and wholesale blocks of votes cannot be arbitrarily ruled out.

It is to be noted in this connection that the committee doesn't claim all these 80,000 votes are illegal. It merely claims that in precincts in which the votes numbered 80,000 there were illegal votes and thus all 80,000 votes, including good and bad, must be voided.

It seems to us that the most serious aspect of the report is not how it affects the personal fortunes of either Hurley or CHAVEZ. Rather, it is the fact that thousands and thousands of admittedly legal voters in New Mexico would be disfranchised.

Let's be a little facetious and continue with the analysis. If 80,000 votes were no good in the Chavez-Hurley race, then 80,000 votes were no good in the races for the two Congressmen, FERNANDEZ and DEMPSEY.

If 80,000 votes were illegal in the State race, they were illegal in the governor's race—in every State race.

Let's proceed with more fantastic conclusions in this fantastic situation. If there is no election in the Senate race, it would be up to Mechem to fill the vacancy. But would the United States Senate, having found the Senate election illegal, accept a new Senator named by an illegally elected governor? If all our State officials as well as our Congressmen were illegally elected, and now hold office only because their elections were not contested, wouldn't all the appointments made by these officials be

illegal? If so, have the taxpayers any recourse to get back the salaries of all these public officials who hold office illegally?

Ridiculous? Of course. But no more so than for an army of high-paid investigators, headed by Chief Counsel Wellford Ware, to come to New Mexico, throw operation and expense money around like water—more than \$200,000 of it—and then rather arbitrarily pick out a lump sum of 80,000 votes as illegal.

There's no question but that the State's election laws in many respects are lax. The committee charges it found: Fraudulent ballots, cases of voter assistance, violation of registration laws, misconduct of election officials, voters deprived of their constitutional right for a secret ballot.

We are quite sure discrepancies as listed above were found. But how many? It wasn't 80,000 because the committee said:

"The committee cannot in good conscience and justice recommend these ballots be counted. Disfranchisement of thousands of honest citizens by irresponsible, fraudulent, and ineffective administration has made it impossible to determine a free and honest vote."

Thus, we have the committee in the position of disfranchising 80,000 voters though it makes no effort to report how many of those 80,000 were really illegal votes.

The report can have one salutary effect. It should result in tightening up election laws and procedure to the end that henceforth a Senate committee will not be given the opportunity of smearing us as a State that conducts dishonest and illegal elections.

Our own inefficient officials and legislatures must take the responsibility for this nationwide smear.

Incidentally, if this "no contest" report should stand, Mr. Hurley, who brought the contest, probably will also be left holding the well-known sack. It isn't likely that Governor Mechem would name his party-political foe to the post. With Mechem running for the Senate, perhaps an East-sider would be named. Wesley Quinn, Clovis, beaten by Hurley in the primary and the Mechem administration's favorite, might get the nod.

Thus it looks like Hurley's own party committee has doublecrossed him in not declaring him elected instead of declaring neither he nor CHAVEZ elected.

[From the Albuquerque (N. Mex.) Journal of March 18, 1954]

SACRED FRANCHISE RIGHT

Over the long haul it isn't of too grave public concern whether Senator CHAVEZ is unseated or permitted to retain his seat.

It doesn't matter too much whether the contestant, Patrick Hurley, or someone else is given the post by gubernatorial appointment if the full United States Senate adopts the report of the Elections Subcommittee and the whole committee that the voting in New Mexico was so snarled up and in some cases so fraudulent that there was no contest and that, therefore, neither CHAVEZ nor Hurley was elected.

The personal fortunes of CHAVEZ, Hurley, or anyone else are not deeply involved from the public point of view.

But heavily involved is the public's sacred right of franchise.

The committee's no contest report on the senatorial contest would have the effect of literally disfranchising a large segment of the citizenship of a sovereign State of the Union.

It is not to be forgotten that the votes in this senatorial election were the same votes of both Republicans and Democrats that named a Republican governor and gave Mr. Eisenhower the State's electoral vote by a decisive margin.

If the senatorial election is no contest then the only reason that the governor's election



and the presidential voting are not of the no contest status is because these races were not contested.

The committee found some fraud and some cases where strict secrecy of the ballot was not observed. It found evidence of various types of illegal voting. But, though a quarter of a million dollars was spent by the subcommittee's investigators in New Mexico, the actual number of illegal votes was not pinned down. Instead, the investigators merely generalized and tossed some 80,000 votes into the pot as illegal because illegal voting was discovered in the precincts that made up those 80,000 votes.

The investigators spent enough money in New Mexico to pin down practically every vote for Senator in this State. It spent enough money to show up with a complete recount to the end that it could have reported exactly how many legal votes CHAVEZ got and how many legal votes Hurley got.

Regardless of how the United States Senate finally acts on this contest, it should warn future subcommittee election investigators to do away with the pomp and splendor, get down to hard work, produce facts rather than intangibles.

New Mexico's sanctity of the ballot must be preserved. But integrated in that sanctity is the all-vital necessity that the right of franchise never be forfeited in New Mexico by even a single legal vote.

[From the Raton (N. Mex.) Range of January 18, 1954]

#### NEW MEXICO ELECTIONS

Are elections in New Mexico actually notorious? Are votes stolen easily and widely? Are polling places dominated by crooked political machines? This columnist doesn't believe it.

Do you, of your personal knowledge, know of any single instance of a fraudulent voting in the past 10 years? If you do, you ought to report it immediately to the proper authorities. This columnist doesn't know of a single one. I've heard of some, but investigation always proved the rumors wrong.

This isn't to say there aren't some cases of illegal voting. In elections where more than 200,000 votes are cast, it would be miraculous if some of those votes were not tainted. But those practices don't set New Mexico elections so far apart from the rest of the Nation as to be notorious.

As a matter of fact, New Mexico's elections are probably far more clean and upright than most of the United States. How can a Washington columnist possibly call New Mexico elections notorious with the stink of Kansas City, Chicago, Philadelphia, Boston, and New York in his nostrils?

[From the Silver City (N. Mex.) Enterprise of May 14, 1953]

#### THE ONE-HUNDRED-GRAND SENATOR

Patrick J. Hurley is a person that New Mexico can well be proud of.

He is attractive. His silver mane and erect carriage can be admired by those one-third his age.

He is wealthy. Who doesn't admire that? He is charming, he is distinguished. Quite an asset for any gentleman, retired or otherwise.

General Hurley has been a striking figure throughout our State's history. He is the one person who can claim a Cabinet position, a special ambassadorship, and a sprinkling of United States Army stars from New Mexico.

Yet he is not a New Mexican, practically or honestly.

The general is another border raider, who, well financed, crosses from the neighboring unfriendly areas of Oklahoma and Texas, to claim prestige in the United States Senate.

At the same time this honored body is considering an additional \$100,000 appropri-

ation to investigate the alleged vote fraud of 1952.

Is Patrick J. Hurley worth that?

We think not.

[From the Hobbs (N. Mex.) News-Sun of May 27, 1953]

#### SLAP AT LEA COUNTY

We don't care how much of his wealth Pat Hurley wants to blow on contesting the re-election of Senator CHAVEZ, but we do object to the disservice he has done Lea County.

Fulton Lewis, Jr., the radio commentator, with his usual disregard for fairness, and now hot-shot writers for the news syndicates, are denouncing New Mexico elections.

They do not single out any counties or areas where there might have been irregularities, but apply their tarbrush to the entire State.

We do not believe an intentionally dishonest vote was cast in Lea County. There may have been some honest mistakes in the haste of marking and counting ballots, but there was no deliberate cheating. We don't vote dead or absent voters or sheep in Lea County, nor yet oil wells. Yet we are being dealt in on the general blackening given New Mexico. It's criticism we don't deserve.

[From the Taos (N. Mex.) El Crepusculo]

#### REDUCTIO AD ABSURDUM

There is a law on the statute books in Indiana that to rock in a rocking chair on Sundays is illegal. There is a law in New York State that to make out a check for less than a dollar will subject the signer to fine or imprisonment. In fact, if all the ridiculous laws on our statute books were enforced the bulk of the population would be in jail.

The Hurley-Chavez contest has now been reduced to the same absurd level. If all ballots marked with ordinary pencil are to be thrown out, we should, to be logical, ask General Eisenhower to withdraw from the Presidency and hold another election in which only indelible pencil be used, to determine whether he or Stevenson belongs in the White House.

The original Hurley charges of widespread and deliberate fraud have dwindled into foolish technicalities. The Senate committees involved would serve their country much better by staying in Washington and sticking to business instead of going around the country attracting attention with a much ado about nothing.

[From the Albuquerque (N. Mex.) Journal of June 5, 1953]

#### WHO'S TO BLAME FOR THIS ELECTION MESS?

(By Ed Minter)

One of the chief issues in the Chavez-Hurley senatorial contest has to do with lack of voting booths and other equipment.

The Hurley complaint emphasizes the lack of secrecy of the ballot in that voting booths in the last election in many instances were wide open to the public gaze.

The United States Senate elections subcommittee now conducting the senatorial contest has taken cognizance of this complaint with the following rule:

"Flagrant violation of the secrecy of the ballot in a precinct shall be considered by a subcommittee as a basis for rejecting the entire vote of such precinct irrespective of the existing or inadequacy of the voting booths or compartments in the precinct."

The technicalities of the situation are of some importance. But not as important as to whether the free will of the people was expressed in the senatorial election.

If we didn't have enough voting booths, if we didn't have enough equipment in some instances—whose fault? Certainly not that of the Senator whose right for his seat is now contested by Pat Hurley. Certainly the fault is not with the people who expressed

their will at such polls as a negligent set of officials may have set up.

No doubt there was a shortage of money in many New Mexico counties to provide properly equipped voting booths in last November's election.

State Tax Commissioner Fred Moxey says: "All of the counties try to set aside money for the bare essentials of holding elections. But few of them have through the years had money for added equipment."

Obviously we need more money for the proper conduct of our elections. Moxey asks where we can get it. That's one of the questions that Mr. Moxey should answer instead of asking.

Moxey points out that "to increase the taxes for general county operations, including election costs, the constitutional limitation of 5 mills on the dollar valuation would have to be lifted by a constitutional amendment."

The county commissioners fix the county budget and allocate available funds to the various needs. "Our responsibility as a tax commission," says Moxey, "is to keep levies within the legal limits and to establish the income of each county."

That's true. Maybe there is not a strict legal responsibility on the part of the State tax commission but there seems to us to be a terrific moral responsibility that it would, at least, advise and urge that sufficient moneys be set up for the proper conduct of our elections.

Moxey wants to know, for instance, what would happen to the indigent fund in some county, if we should budget money for voting machines. And where would the court fund be?

We would ask—where would any fund be? But one fund that never should be let down is the fund that provides for elections according to law. Apparently the State tax commission has given little heed to this vital matter.

It has merely, in rather a perfunctory manner, checked the mill levy requirements, given a hurried O. K. to various county budgets and rushed away without determining whether sufficient funds had been provided to carry on a free and adequate election.

Says Moxey: "The furnishing of more money for elections is not a question for us or the county commissioners and there is no room for buckpassing. It goes back to the fact that the people must realize they can't have these services without paying for them."

What an asinine excuse.

If the tax commission with its control over county budgets and the county commissions with their administrative powers can't produce enough funds for legal and properly conducted elections, then we are in mighty bad shape. To blame the people rather than the duly elected or appointed officials represents the last straw in putrid alibis.

If the tax commission doesn't possess the authority and the will to act in such important matters as challenging the various county commissions as to whether sufficient money has been set up for legal and efficient elections, then the State tax commission is of little value to the people and should be abolished in behalf of governmental economy.

The situation in Bernalillo County was not quite the same as in other New Mexico counties. In this county there was plenty of money. The State finance board approved the county commission's request for all the funds needed in the election.

In Bernalillo County there was plenty of equipment and election supplies. The fault was that the county commissioners failed to look ahead and estimate the voting rush. The commissioners did not visualize that the registration would mount to unprecedented heights. All too late it was realized that the precincts should have been split into more voting divisions.

Inexperienced election officials were on the job. Many of them did not know the law. Voting was so heavy that many ballots were marked in the open in violation of the election laws.

Bernalillo County officials say we have grown so fast that it has become a difficult matter to budget our election needs and costs.

Many of the ills now charged in the Chavez-Hurley contest must necessarily revert back to the tax commission's failure and the failure in this county of our own officials to recognize and recommend minimum election needs.

If the shortage of booths deprived many voters in New Mexico of the right of a secret ballot, then our duly constituted officials—in this case a Republican State administration and Republican-controlled election machinery in Bernalillo County—and not any single candidate must accept the blame.

[From the Albuquerque (N. Mex.) Journal of June 20, 1953]

#### LET'S DODGE ALL THESE FREAK CONTEST DETAILS

(By Ed Minter)

We see that a dozen or so prominent Albuquerque citizens' votes have been challenged in the Hurley-Chavez senatorial contest because they showed need of assistance in filling out their registration certificates.

One, according to the cool record, that needed assistance was Quincy Q. Adams, chief attorney for Hurley.

Of course, the whole thing is ridiculous. What happened is that in some instances registration officials erroneously signed registration affidavits on lines set aside for witnesses to marks made by persons who could not write their names.

The registration officials signed on the wrong line. As the record stands these registration officials signed up to the effect that such prominent citizens as Mr. Adams and others needed registration assistance—in fact could not sign their names.

Up to date the whole Chavez-Hurley contest is permeated with such ludicrous developments and incidents as the challenging of some of our better citizens on the grounds they needed assistance.

The people who are conducting this senatorial investigation should pretty well know that such challenges as related above are, indeed, obnoxious to an intelligent electorate. The only real issue is: Who got the most legal votes?

It seems to us that the contest charges and countercharges have gotten out of hand and that such incidents as challenging the votes of highly respected citizens on wholly technical grounds tends to make a mockery of our whole democratic procedure.

If there is dirt in this senatorial election let's dig it up. But it is rather irksome that to date the election contest procedure has been enmeshed in so many freak and irrelevant details that dodge the real issue of who won and who lost.

We would like to see all the horseplay cut out and the contest decided quickly and efficiently on its pure merits. After all, this contest is costing the taxpayers a lot of money.

Let's quit throwing our money away on silly challenges and inconsequential byplay investigations. It is up to the Senate Elections Committee to see that the contest proceedings here move along in an orderly, dignified manner wholly devoid of any partisan or political entanglements.

It is more ridiculous that a contest of this sort should go on and on for months. The United States Senate has just authorized an additional \$75,000 to carry on this Hurley-Chavez contest. It is all quite annoying to the electorate that wants only justice done that so many apparently extraneous matters

are being injected into an election contest—matters that have little ultimate bearing on the merits or demerits of the contest.

#### WHO DID WHAT TO WHOM?

[From Frontier for January 1954]

(By R. L. Chambers)

SANTA FE, N. Mex.—New Mexicans were surprised at the inconclusive preliminary report of the Senate subcommittee which investigated charges by Gen. Patrick P. Hurley that his defeat in 1952 was the result of illegal and fraudulent election practices. The report contained two major recommendations: First, elimination of 30,000 ballots because they were cast in precincts where the secrecy of the ballot was not observed (20,000 of these were votes for Senator DENNIS CHAVEZ, 10,000 for Hurley); second, continuation of the inquiry, which has already cost between \$150,000 and \$200,000.

As Hurley lost by only 5,000 votes, the 10,000 he would pick up if the report were accepted and approved by the entire Senate would give him a 5,000-vote majority. But to the unbiased observer, the finding appeared unsatisfactory.

It seemed to many here that it was significant there were no revelations of fraud, which charge was the basis for Hurley's protest of the election. That the strongest charge the subcommittee mustered made was violation of secrecy at the polls left some Hurley friends displeased. Observed one newspaper, the New Mexican, which had been supporting Hurley: "Nothing has been hinted to indicate the probe uncovered proof of any fraud."

The recommendation to eliminate 30,000 votes does not set well here. Senator FRANK BARRETT, Republican, of Wyoming, subcommittee chairman, said the committee felt that in any precinct where even a few votes were cast outside booths, all should be canceled.

To many here this is absurd. For decades, New Mexico voters have filled out their ballots on desks, tables, and on window sills in full view of one another.

The subcommittee recommendation disturbed one newspaper, the Albuquerque Journal, which commented, "Shall 30,000 or more New Mexicans be deprived of their sacred franchise because election officials in certain voting divisions didn't follow the letter of the law in preserving the secrecy of the ballot?" It then added "• • • fraud is not charged in the preliminary report."

As for the second part of the recommendations—to continue the inquiry—observers here believe this would merely result in additional votes being invalidated on the same grounds. The subcommittee in its initial investigation made it a point to check those areas where Hurley had alleged fraud, coercion, and ballot buying.

It is significant that many officials have revealed they did not use booths in the 1952 election. Gov. Edwin L. Mechem, a Republican, said he simply went into a church parish and voted and that anyone could have walked into the room when he was there. Supreme Court Judge Eugene Lujan marked his ballot in the middle of a crowd of voters on a gymnasium platform.

The fact that the subcommittee split along party lines in making its recommendations causes New Mexicans to wonder whether their votes are not being bandied about in a contest over control of the United States Senate that now has 47 Republicans, 48 Democrats, and one Independent.

[From the Albuquerque (N. Mex.) Journal of August 7, 1953]

#### GROUP OF HENCHMEN "TAKE IN" MR. HURLEY

(By Ed Minter)

The outburst of Steven A. Alex, aide to Patrick J. Hurley, who is contesting elec-

tion of DENNIS CHAVEZ to the United States Senate, to the effect that the Journal and the Associated Press had been unfair in news presentation, is a pathetic gesture in the now seemingly futile efforts of Mr. Hurley to unseat CHAVEZ.

It is to be noted, however, that so far as the Associated Press is concerned Mr. Hurley has repudiated Mr. Alex' indictment of that service. This has an effect of emphasizing the fact that Hurley has been "taken for a ride" by a group of henchmen who apparently convinced him that all he had to do to unseat CHAVEZ was to file a contest with a Republican-loaded Senate committee.

Patrick Hurley is a man of much ability. He has performed meritorious service for his country. We can appreciate his chagrin when the last November vote showed strong majorities for Governor Mechem and President Eisenhower while at the same time on the face of the returns he was beaten by more than 5,000 votes.

It would, therefore, not take too much coaxing from such henchmen as Alex and others to convince him that he had been cheated out of the election. Maybe there was cheating. We don't know.

Anyway, it was quite obvious that Mr. Hurley fell victim to these gentlemen's pleadings to go all out in contesting the election without thoroughly knowing whether there had been any considerable amount of graft and corruption.

Nothing wrong with contesting the election. The only wrong thing has been the utter wastage of money by which the contest has been conducted.

Our complaint has not been against a contest. We favor rigid contests when there is any semblance of misconduct in an election. Rather, our complaint has been against the haphazard, prolonged antics of the investigating group here.

Let's briefly review the picture: The Senate subcommittee responsible for the investigation originally had at its disposal \$54,000. That soon was gone. The Senate subcommittee then sought another \$150,000. The Senate compromised and allowed \$75,000. This \$75,000 is now almost gone. Then it was that the \$160,000 was asked. The Senate balked at the terrific expenditure of funds in the contest and just before adjournment allotted \$37,500 as a cleanup fund to wind up the long drawn out affair.

The investigating group here is composed of many people from outside the State. The whole group including the challengers on each side numbers almost 50. Non-Albuquerque residents are allowed an expense account of \$9 daily. This \$9 is not taxable. In this column recently we published a list of all the workers and their addresses and their salaries. It seems that such publication infuriated the investigation chiefs. We wonder why?

This investigation, we believe, could have been completed long ago. Only now is Bernalillo County being completed. Bernalillo County was booked as the "key" county. The recount didn't show much wrong in this county, and so began the drive to recount more and more counties, spend more money and give some of the henchmen more and more of a bonanza holiday with liberal pay out here in New Mexico.

Our complaint has centered on the obvious observation that the recount had developed into a mere narrow, partisan squabble rather than into a strict adherence to the real issues of the case—the only issue being who won and who lost.

Now about this Alex charge that the Journal and its Washington bureau "deliberately attempted to distort the facts and have consistently refused to present the public a fair exposition of matters involved in this investigation."

When this contest was announced the Journal advocated and urged that all pro-



ceedings be wide open to the press and the public. That formula was turned down.

From that time on Mr. Alex and his aides began to feed into their favorite channels contest developments that supposedly were to be announced only by Wellford H. Ware, chief counsel of the Senate Investigation Committee.

Mr. Alex fed into these certain news channels highly colored propaganda in behalf of his great benefactor, Mr. Hurley. The Journal was not one of these channels to absorb all this obvious propaganda. The Journal was in a position to get the facts about the contest developments—no propaganda. Thus, Mr. Alex says we were unfair. If it is unfair to print the facts rather than propaganda scattered around by Mr. Alex, then, of course, we have been unfair.

We never told the Journal's Washington bureau what to do other than get the facts. In this process our Washington bureau developed the now pertinent fact that the Senate subcommittee has been getting a trifle fed up on the investigating procedure out here and as a last "slap" at this procedure allotted a mere \$37,500 to wind up the investigation instead of the \$160,000 sought.

It is to be regretted that a smart man like Mr. Hurley has been, in effect, taken in by a group of selfish henchmen. We think his contest would have held much more prestige and dignity had he launched his contest wholly on his own without the aid of numerous hangers-on.

We simply don't believe it necessary to spend a half million dollars of the taxpayers' money to determine who won and who lost. We don't believe it has been in the public interest to set up such an expensive circuslike regime of highly paid people from all sectors of the Nation to conduct this rather simple Senate election investigation.

We believe the farce should cease. We believe sufficient investigation already has been done for the Senate committee to make a logical and fair report on whether CHAVEZ was elected through fraud and corruption as charged by Hurley's aides.

Let's have this report quickly and call it a day.

[From the Albuquerque (N. Mex.) Journal of December 22, 1953]

#### OUR SLANT (By Ed Minter)

Station KFUN in Las Vegas quoting from a Journal editorial notes that its town, like Albuquerque, is having garbage truck trouble. The radio station says that Las Vegas bought its first and only garbage truck 2 years ago; that the truck is still sitting around in a garage and has yet to haul its first load of garbage. We don't know just what the trouble is in Las Vegas but we'd take a chance and trade our city commission to that town for its governing body.

Suppose you voted in last November's election strictly as per the law says in an enclosed booth. Suppose 498 others in your precinct voted precisely and legally as you did. But suppose the 500th voter marked his ballot on a table outside the enclosed booth. Then what would be your reaction, if because of that one on-the-table ballot, that vote, your vote, all 500 votes were thrown out? That's what Chairman BARRETT of the Senate Subcommittee on Elections would demand.

Then suppose that in last November's election there was a great rush when you got to the polls near closing time. Suppose that you realized it would be impossible to wait your turn and get into an enclosed booth before the deadline. Then suppose under these extreme circumstances you got your blank ballot, rushed over to a table, quickly marked your ballot and deposited it in the box just in the nick of time.

Then suppose because of the manner in which you marked your ballot in those hec-

tic closing seconds all 500 votes in your precinct were voided. But that's what Chairman BARRETT says must be done in the Chavez-Hurley contest.

All the above could happen with or without laxness on the part of election officials. Even conscientious and alert officials might not be able in a rush to detect that someone voted outside a booth. Yet under the Barrett theory all the votes would be killed.

True, our laws say absolute secrecy of the ballot must be maintained. We won't quarrel with such laws. But our laws should also make it mandatory that sufficient voting facilities be maintained so that no out-of-booth balloting would be necessary. There are also laws and constitutional guards against disfranchising any voter.

Under the Barrett theory 30,000 votes in 67 divisions of the State's more than 900 would be thrown out.

We doubt that outside the precincts over the State that use voting machines there is a single one that didn't have one or more nonsecret ballots cast.

In that event not merely the votes in the 67 divisions must be thrown out but also almost all the State's total vote. That pins it down to these few voting-machine votes. Then let's get a count on these precincts, see who was elected Senator, governor, and so on.

Looks like in the case of the Barrett report the Republicans are playing a little too rough politically.

[From the Albuquerque (N. Mex.) Journal of August 3, 1953]

#### IN THE CAPITAL—MUTUAL DISLIKE EVIDENT BETWEEN STATE, FEDERAL OFFICIALS (By Mel Mencher)

SANTA FE, August 2.—One of the obvious features of the Chavez-Hurley recount to the casual observer is the strained relations between Federal and State officials who are involved in the examination of the ballots cast last November.

The mutual dislike is evident. And it is openly admitted. Attorney General Richard Robinson makes no secret of his feelings for Wellford Ware, director of the recount. District Judge David Carmody was not reticent about describing the Government agents as "discourteous" when they sought custody of Rio Arriba County ballots.

The feelings of the Federal employees making the recount are similarly open. They consider that the State canvassing board did not perform its duty properly, and some of them are openly contemptuous of various State and county officials.

But there is something deeper than mere dislike and coldness in the State-Federal relationship here. The closer one examines recent incidents the clearer the picture becomes of two intensely distrustful groups, each eyeing the other's every action.

In this aura of suspicion and distrust, both groups have apparently made assumptions about the other. Several members of the Senate subcommittee staff believe that State officials favor Senator DENNIS CHAVEZ. And quite a few of the county and State officials who have had dealings with the subcommittee staff are positive the staff is conducting the recount with one aim: to vacate CHAVEZ' seat and to fill it with the general.

Senator CHAVEZ himself was the first to charge that the staff was interested in seating Pat Hurley. He made this allegation on the floor of the Senate during debate on appropriations for the staff's recounting of ballots. The charge has been echoed by many of the CHAVEZ supporters involved in the recount now plodding on in Albuquerque.

A. T. Hannett, CHAVEZ' attorney in the recount proceeding, made his distrust evident when he filed a five-point protest with the attorney general, the ballot custodian for the State, and Hurley's attorney.

Hannett was disturbed at the removal of ballots from the supervision of CHAVEZ' challengers and the State's ballot custodian. He said that boxes had been opened and ballots examined with no representatives of the Senator present. Also, he said, the State's custodian, contrary to the agreement between the State and Federal groups, was not allowed to continue custody of the boxes.

The attorney general's office agrees that there have been violations of the agreement. And one of Robinson's assistants said that the subcommittee will be notified of the situation. He pointed out that the ballots are scattered all over the recount headquarters and that the State's custodian cannot possibly keep track of the boxes.

On the other side, there is an equally strong feeling about the lack of control when the ballots are in State hands. Ware has indicated that he is interested in what happened to some northern county ballots during the period between the election and the day the subcommittee staff took custody of them. And his interest is directed at the possibilities that somehow the Senator may have benefited during this period.

Ware has insisted that the attorney general may not examine the ballots which Hannett charged were illegally cast for Hurley in Rio Arriba County. Robinson says this violates the agreement entered into whereby the State would be told immediately of possible election law violations.

The reason Ware does not want to surrender custody of these ballots even for a short examination is that Ware and his staff are themselves interested in the ballots and are conducting an inquiry, not at all on the lines one would assume. Ware's concern is that the ballots may have been intentionally altered to mislead investigators.

Without an understanding of this basic distrust between the two groups, the actions of both State and Federal officials have little meaning.

[From the Albuquerque (N. Mex.) Journal of August 14, 1953]

#### PROBE BALLOT TAMPERING

Some 40 Albuquerque voters have testified before the Senate Subelections Committee here that their ballots had been tampered with and altered in last November's election.

Such tampering, of course, is a grave offense. We now have a grand jury in session. It obviously is up to this grand jury and District Attorney Paul Tackett to run down the source of this tampering and proceed accordingly.

As of now it is a complete mystery as to when the tampering was done and by whom.

This tampering evidence was charged by Wellford Ware, the Senate committee's head attorney, and the attorneys for Patrick Hurley in the latter's contest to unseat Senator DENNIS CHAVEZ.

It is significant, however, that the so-called tampering in only a few cases affected the Senate race. The tampering was done in other races, mostly county.

But though the vote tampering so far revealed, does not materially affect the Senate race, it stands that any such tampering vitally affects the sanctity of the ballot in general and should be pursued to the very limit to find the answer.

The 40 witnesses who testified there were marks on their ballots they did not make held no opinion as to who changed the ballots. It becomes the immediate and solemn duty of our local law enforcers to run this thing down.

A. T. Hannett, attorney for CHAVEZ, makes the very pertinent observation that a majority of the election judges in this county were Republicans.

It is not to be forgotten that in this county General Eisenhower and Governor Mechem, Republicans, had big majorities. Hurley, had a majority but a lesser one. It is difficult

to understand why any Republican controlled election machinery in this county would permit any gross fraud against Republican Hurley.

We can dismiss the fact that it did not materially affect the Senate race. But we cannot dismiss the fact that it challenges the sanctity of the ballot.

[From the Carlsbad (N. Mex.) Current-Argus of May 27, 1953]

#### STATE TAKING BEATING

If we had followed our first impulse the other night, we would have slammed the radio to the floor and promptly carted the splintered wood, the tangled wires, and bits or broken glass to our new \$3.75 garbage can. We didn't do it though. We just sat there and fumed.

The center of our irritation was Fulton Lewis, Jr., the radio commentator with the velvet sneer. He was discussing the contest in the Senate between DENNIS CHAVEZ and Pat Hurley.

It was neither CHAVEZ nor Hurley who bobbed up and out of the 15-minute session of onion throwing looking whipped. It was the State of New Mexico.

No judge, sneered Lewis, was going to keep a Senate committee from recounting the ballots in the Hurley-Chavez thing, "especially a judge in New Mexico." That was a reference to Judge R. F. Deacon Arledge, of Albuquerque, who joined in battle with Senate investigators over custody of the disputed ballots.

There was more in this vein. You can see how our blood pressure rose to the boiling point.

After mulling the thing over, we were forced to admit that New Mexico judiciary has not been very helpful thus far in getting at the truth of Hurley's charges that CHAVEZ stole the election last fall.

Judge Bill Scoggins, of Las Cruces, started it. He ordered the ballots burned in his judicial district. He said it was a mistake. Most New Mexico people were willing to concede that Scoggins had made an honest mistake. An outsider—like Lewis—might not be so charitable.

Judge Arledge may be merely battling for the sacred principle of the secret ballot. Again, the outsider, thoroughly grounded in the theory that New Mexico elections are all crooked to begin with, might judge more harshly. He might, like Lewis, point out that Arledge was going to bat for CHAVEZ, his old political mentor.

The point of this little essay is that New Mexico is harvesting a blackened reputation out of this contest.

We wish they'd hurry and get the recounting done and settle this whole business. We are just as anxious as anyone to know how much ballot stealing, if any, went on in New Mexico last fall. We wish all these people, the judges, the politicians, the election officials would jump in and help get the business finished instead of muddying up the waters still more.

It shouldn't be too much trouble counting the votes cast for Senator, and separating the legal from the crooked. Let us get to it before the State's tattered reputation suffers further.

[From the Albuquerque (N. Mex.) Journal of July 9, 1953]

#### HENCHMAN IN SADDLE IN SENATE CONTEST

(By Ed Minter)

It is costing the taxpayers \$33,000 a month to conduct the Hurley-Chavez senatorial contest. The money available is running low.

The Senate Rules Committee now asks an appropriation of \$160,000 more to continue the investigation as to whether New Mexico's voting for United States Senator last November was, in effect, crooked or on the up

and up. Already some \$130,000 has either been spent or appropriated.

One hundred and sixty thousand dollars would not be a big price to pay if worthwhile evidence of fraud was being uncovered and revealed. But it is a terribly big price to pay if the procedure has degenerated into a mere battle of henchmen on either side playing for time in order to remain on a luscious Government payroll so long as possible.

But let's face the facts. All doesn't seem too well so far. Originally, it was understood, practically agreed to, that the recount would be finished in big Bernalillo County before any other county would be dragged into the costly investigation.

The recount in Bernalillo is not yet finished—in fact far from finished. Suddenly the Senate subcommittee, through its chief counsel, Wellford Ware, called for an opening of all the Rio Arriba County boxes for a recount.

There has been no legitimate explanation as to the attempt to jump into Rio Arriba County boxes before the Bernalillo County recount is finished. The slowdown, however, is that the recount so far in Bernalillo County has shown but little variation from the November official count.

The contest was based on gross fraud and corruption. As of now no semblance of fraud or corruption has been discovered and only a slight change in the vote—a change due only to technical and wholly unimportant and unintentional errors. These few errors are on both sides, not just one.

It would seem that a highly partisan Republican investigating group, chagrined by the failure of Bernalillo County to produce any tangible discrepancies, has now seized upon Rio Arriba County in a desperate effort to salvage some of its investigating prestige.

CHAVEZ has a sizable majority in Rio Arriba County.

Apparently the fraud theory in Bernalillo County now has been entirely abandoned by the Hurley forces.

It is quite obvious that the quiz has become a rather strictly party affair with all too little attention being given to the only important issue: Who won and who lost?

Up to date in the investigation we've had all too much of poker playing, all too much horseplay, all too much senseless squabbling, all too much expense, all too much of everything save that of finding out whether any fraud was perpetrated in last November's senatorial election.

If there has been any corruption or fraud worth mentioning it has not been brought to light. Yet an apparently biased Senate subcommittee wants another \$160,000 of the taxpayers' good money to go on with what up to date has been a fruitless and in some aspects a largely ludicrous investigation. It all at the moment appears much as a pork barrel spree for political henchmen.

The henchmen on both sides of the senatorial battle are in the saddle. They are getting theirs—right out of the taxpayer's pocket.

It's about time—unless immediate showing be made of grave irregularities—that this farce of an investigation out here in New Mexico be taken up on the floor of the United States Senate and either squelched or dire warning given that unless tangible results are shown soon in the investigation further wastage of public money will be stopped forthwith.

[From the Albuquerque (N. Mex.) Journal of July 12, 1953]

#### SENATORIAL CONTEST WORKERS NUMBER 49

(By Ed Minter)

The Hurley-Chavez senatorial contest stands to cost the taxpayers a cool half million dollars or more, if the contest lingers on and on in the haphazard and inefficient

and politically-directed manner of the past month.

The citizenry of New Mexico doesn't want a corrupt or fraud-elected person to be our United States Senator. But at the same time this same citizenry doesn't want an apparently biased United States Senate subcommittee to go on and on spending the taxpayers' money if no major fraud exists.

It was originally agreed among the contesting parties that Bernalillo count would be the key. If no fraud or corruption developed in the recount here there was to be a complete stop-look-and-listen halt to determine whether the recount was to be extended to other counties.

But now that no appreciable fraud has been uncovered in the Bernalillo County vote to date the Senate subcommittee suddenly and without warning broke its agreement, jumped into the Rio Arriba County, and has asked for \$160,000 more to extend the investigation.

And so it all begins to look like an out and out politically-directed contest rather than an up and up inquiry based on the merits of the case.

After considerable difficulty we have secured a list of the vast crew of contest workers and henchmen drawing big-time annual pay. In addition to the salaries herewith listed all out-of-State workers draw a daily expense pay of \$9 which is not subject to income tax.

Just why it was necessary to drag in so many outsiders and thereby increase the cost of contest is not explained.

The contest crew list follows:

John A. Bauman, Albuquerque, chief tally clerk, \$5,233.97.

John W. Benson, Baltimore, Md., investigator, \$7,819.96.

Lewis E. Berry, Jr., Cheboygan, Mich., assistant counsel, \$10,815.02.

John E. Bishop, Oaklyn, N. J., investigator, \$7,819.96.

Patricia E. Brewer, Albuquerque, clerical assistant, \$3,613.89.

Hector H. Cervantes, Albuquerque, investigator, \$3,613.89.

James J. Connelly, Santa Fe, court representative, \$5,233.97.

Myron C. Ehrlich, Washington, D. C., associate counsel, \$10,815.02.

Douglas C. Florance, Albuquerque, special counsel, \$5,233.97.

James J. Florance, Minneapolis, Minn., investigator, \$3,613.89.

Raymond B. Garcia, Albuquerque, guard, \$3,613.89.

Albert B. Garcia, Albuquerque, guard, \$3,613.89.

Fred C. Hannahs, Albuquerque, staff representative, \$3,613.89.

Burton S. Hill, Sr., Buffalo, Wyo., associate counsel, \$10,068.45.

Burton S. Hill, Jr., Buffalo, Wyo., guard, \$3,613.89.

Alexander J. Jack, Albuquerque, investigator, \$5,430.16.

L. Stanley Kemp, Alexandria, Va., investigator, \$7,819.96.

Philip F. Kennedy, Jr., Albuquerque, guard, \$3,613.89.

Marvin E. Linner, Albuquerque, staff representative, \$3,613.89.

Samuel Lord, Jr., Albuquerque, guard, \$3,613.89.

Emma M. Majeski, Wenonah, N. J., clerical assistant, \$4,091.85.

Robert J. Majeski, Wenonah, N. J., investigator, \$4,091.85.

James A. May, Albuquerque, staff representative, \$3,613.89.

Robert B. Miller, Albuquerque, guard, \$3,613.89.

Richard E. Philbin, Albonessen, N. J., investigator, \$8,005.36.

Mary S. Richardson, Washington, D. C., clerical assistant, \$3,518.30.

Patricio S. Sanchez, Albuquerque, staff representative, \$3,613.89.



Marilyn E. Scott, Washington, D. C., clerical assistant, \$3,613.89.

Mary L. Strain, Washington, D. C., clerical assistant, \$4,856.61.

Thelma M. Troiano, Washington, D. C., clerical assistant, \$4,091.85.

Wellford H. Ware, Falls Church, Va., (N. J.) chief counsel, \$11,636.

Farley W. Warner, Washington, D. C., assistant counsel, \$9,570.74.

Ruth M. Webner, Lansing, Mich., clerical assistant, \$4,091.85.

In addition to the above list of 33 there are 16 challengers, 8 for Hurley and 8 for CHAVEZ. This brings the total list of contest workers to 49. Not much governmental economy in this sort of thing unless they dig up some graft and corruption very quickly. It may be there. If so let's have it quickly.

[From the Albuquerque (N. Mex.) Journal of July 24, 1953]

#### TIME FOR SENATE ACTION

The principals in the Hurley-Chavez contest have now reached the bitter point of, in effect, declaring—let us put it mildly—issuing false statements. If we wanted to be abrupt and realistic, we would say that each side is now dubbing the other side "liars."

Comes Wellford H. Ware, chief counsel of the Senate subcommittee, to declare that 1,200 ballots in Bernalillo County have been thrown out as illegal.

Promptly attorneys for Senator CHAVEZ challenge the Ware statement as false and "tending to mislead the public and the United States Senate."

Then comes the Hurley contingent to declare that since so many illegal ballots were found in Bernalillo County the need for a statewide count is evident.

Such a statewide count cannot be had unless the United States Senate votes another appropriation of \$160,000. It is now very doubtful that the Senate will go for this increased expense. The Senate already has appropriated \$75,000 to add to the \$54,000 that already was on hand.

The contest expense is costing at the rate of \$33,000 a month. The big question, of course, is whether these so-called illegal ballots alleged by Ware constitute fraud. So far we have heard no charges of fraud in this county, and so far Ware has not defined just what constitutes an illegal ballot.

CHAVEZ' aides have now gone directly to the United States Senate protesting Ware's so-called unfairness. It would be well for the full Senate immediately to pass on this irksome senatorial contest. It is expensive; it is highly partisan. All too many outsiders have been imported into New Mexico as contest workers at sizable salaries plus \$9 a day expense money.

An early vote in the Senate on this highly publicized contest would be desirable. It ought to be ended one way or the other as soon as possible. If the contest is to include every New Mexico county, the cost is estimated at as high as \$500,000—a high price to pay.

[From the Louisville Courier-Journal of March 13, 1954]

#### IS RIGHT ON THE SIDE WITH MOST VOTES?

If an issue of morals and fairness is to be settled in the United States Senate by the ordeal of partisan politics, then the public will be entitled to a moment of nausea. It begins to look, however, as if this is going to be the basis of testing the right of DENNIS CHAVEZ, Senator from New Mexico, to hold his seat.

Democrats are certain to be solidly for him, Republicans probably will vote to throw him out. A maverick or two on either side—a bolter from party discipline, in short—may well tell the tale. The evidence for or

against is quite likely to be incidental, according to all the forecasts, the simple fact being that control of the Senate depends on the outcome.

The question came up when Patrick Hurley, the Republican candidate in November 1952, contested the election returns which showed Democrat CHAVEZ to have won. The contest was based on a charge of irregularities in the vote, including late reports from precincts favoring CHAVEZ.

Lateness, in fact, turns out to be characteristic of the whole affair. Fourteen months have gone by since the election. Meanwhile, what with deaths and appointments, the balance of Senate power is uncertain. Democrats have 48 Members, to 47 Republicans and Independent WAYNE MORSE. Democrats have not, however, disputed the right of Republicans to organize the Senate and control committees. Thus it was that the subcommittee which recommends a verdict of no election in the New Mexico case has 2 Republican members (who voted for the recommendation) to 1 Democrat (who upholds CHAVEZ). If the Senate takes the majority view, it would mean that CHAVEZ the Democrat must step out, leaving the vacancy to be filled by New Mexico's Governor, a Republican.

The contest and its partisan tinge is not unparalleled in the Senate. In the early days of the Nation Albert Gallatin, who afterward became Thomas Jefferson's great Secretary of the Treasury, was expelled by a strict party vote of 14 to 12. The Senate had a slim Federalist majority. Gallatin was of the other party. The charge was a flimsy one, disputing Gallatin's right to the seat because he had not lived in the country long enough. Actually it was an unjust charge, to be disproven by the record, but politics is politics. Gallatin had made a pest of himself by demanding a report from Alexander Hamilton on the condition of the Treasury.

In today's Chavez case, the majority report does not even say that the Democratic Senator was wrongly elected. It merely says for the two Republicans that they were not able to find out who was elected. They threw out 80,000 ballots or so. They profess to be baffled by primitive conditions and loose customs in many areas in New Mexico where the Spanish language prevails. Their decision to call the whole thing off is an odd one, straining at virtue. But also plain to see is the fact that it is simply dandy, from the Republican point of view.

[From the Alamogordo (N. Mex.) News]

#### THE GENEROSITY OF GENERAL HURLEY

Gen. Patrick J. Hurley, two-time loser and now for a third time as aspirant to become Senator from New Mexico, is going among the people of New Mexico with charity in his heart.

He will bring the fabulous waters of the Missouri River to the parched lands of New Mexico (if he can get the law of gravity repealed).

He will line the Rio Grande with concrete, and he will bring prosperity to the people of the Pecos Valley, through 90-percent parity in the existing agricultural program. He will do better than the Democratic administration has done. He will award these benefits with fewer strings attached.

In promising benefits, Pat has thrown the creeping-socialism idea out the window. He is proposing to extend the New Deal beyond our wildest dreams.

Yes, Pat is proposing to spend money liberally in our neighboring valleys, with apparently never a thought as to how many votes he could pick up by creating a river in the Tularosa Basin. He promised nothing to us local yokels when he came through here a few days ago. He only smiled upon us. But perhaps, even in that we are already richly rewarded.

Pat's ambitions, even at his advanced age, know no bounds.

For the sake of the people of New Mexico, he has forsaken his friends in Oklahoma. In his declining years, he has thrice proposed to bring many blessings to the people of this State from a seat in the United States Senate.

What Pat wants for himself is anybody's guess. But the great kindnesses he has offered the New Mexico voters might well be questioned.

New Mexico is now ably represented by Senator DENNIS CHAVEZ, seventh from the top in seniority in the United States Senate. If the people give up this position for a new-comer candidate that nature would never permit to reach equal seniority and standing, they are, indeed, poor traders.

[From El Crepusculo of April 23, 1953]

#### THE CHAVEZ-HURLEY CONTEST

A full investigation of the Chavez-Hurley battle for a United States Senate seat has been ordered by the Elections Subcommittee and we believe that body owes the citizens and voters of New Mexico the courtesy of a speedy probe in order that the question may be settled as quickly as possible.

However, Senator BARRETT, Republican, of Wyoming, chairman of the subcommittee, has indicated the new investigation may take longer than the preliminary inquiry.

Five months have passed since the election and we've been treated to a constant diet of charges, rumors, and hashing over the controversy. Let's get going and have the matter cleared up once and for all.

We are still of the opinion that the new investigation will fall to change the majority which Senator CHAVEZ received in the November elections.

[From the Eddy County News of July 31, 1953]

#### PAT HURLEY, SOREHEAD

Patrick J. Hurley continues to pop off against Senator DENNIS CHAVEZ, those who voted against Hurley, and any who are not readily sympathetic to Hurley's bleatings for justice in the vote recount battle. Hurley is a nice, old man. But, his rantings and ravings are giving a few sideliners the impression that the great general is an aging wind-bag.

He's lashing out on all sides against the alleged conspirators who "robbed" him of his victory over CHAVEZ. From his bumbblings and fumings the listener and newspaper reader gets the impression that old Pat is a sorehead. Hurley is angry because CHAVEZ gave Pat what the Kelt gave the drum \* \* \* a good beating. Please Pat, dry up.

[From the Hobbs (N. Mex.) Daily News-Sun of December 28, 1953]

#### CONTEST FIASCO

In the beginning, Pat Hurley cried "fraud" in his defeat at the polls. So he contested the election of Senator CHAVEZ, even drawing a United States Senate elections subcommittee into the investigation.

The contest cost thousands of dollars, of which the taxpayers paid a good share.

The Senate subcommittee has reported. It has recommended that 30,000 ballots be declared void because voters did not ballot in secret.

No fraud shown, mind you; just a breach of secrecy.

Of the 30,000, the subcommittee said, 20,000 were cast for CHAVEZ and 10,000 for Hurley. If these 30,000 votes are thrown out, Hurley will be the winner.

The subcommittee's investigation staff spent 8 months in New Mexico, recounting ballots and digging in the field for evidence of fraud. The best it could come up with, so far, is the secret ballot violations.

The recount never was completed. The findings of the investigators have not been made public.

New Mexico does not have a universal secret ballot. Lea County does not observe the law which requires the county commission to supply voting booths, 1 for each 125 voters.

But the votes of Lea County residents should not be declared void. Voters should not be disenfranchised because of the faults of election officials. Voters cast their ballots at the facilities available, acting in good faith. They should not be penalized.

Whatever the result of the Senate election contest, New Mexico seems destined for a thorough overhaul of its voting system.

[From the Albuquerque (N. Mex.) Journal of July 16, 1953]

#### REFORM IN ORDER IN SENATE ELECTION CONTESTS

(By Ed Minter)

All this hullabaloo, all this turmoil, all this tremendous expense, all this importation of staff investigators from all sectors of the Nation, all this partisan animosity in this senatorial contest easily can amount to naught.

Reason, of course, is that the investigation is highly partisan on both sides. The prosecution by a Republican-loaded committee is partisan. The defense, of course, is just as partisan.

Then after it is all over—and it won't be over until all the money runs out—the subcommittee will make a report to the full Senate committee. That subcommittee almost certainly, regardless of what the actual recount shows, will report that down here in New Mexico fraud and corruption were discovered and that something ought to be done about it; that Senator CHAVEZ has no right to his seat.

Then this full committee, also Republican-loaded, very likely will adopt the report of the subcommittee that has made 2 or 3 quick trips into New Mexico for only a very hurried and necessarily skimpy look into the situation as presented by the actual staff investigators.

Then we presume there will be a minority report. This report will say that naturally some errors were discovered but mostly harmless errors that are bound to occur in any election. Then the minority report will say, we further presume, that any fraud and corruption discovered were so slight as to be negligible and of no tangible consequence in the New Mexico election.

Both reports, we suspect, could be written just as well now as in 3 months or 6 months.

Then will come the real and only test that amounts to anything. It will be in the form of the final decision by the whole membership of the United States Senate. That vote, too, will strongly follow partisan and party lines.

The Senate vote is almost evenly divided as to Democrats and Republicans. What happened or didn't happen down here in New Mexico either at the polls or through evidence dug up by a highly partisan investigating staff won't have much, if any, influence on the final result.

The fellow that's in—in this case Senator CHAVEZ—probably will have a slight advantage. It is a trifle easier and less complicated to stay in than to get in when you are out. However, a stray independent vote or two well could settle the whole issue that has been in the state of bitterness and violent party eruption for months.

This is our first opportunity to view at close range one of these Senate election contests. We had no idea they were so highly loaded on both sides with henchmen, hangers-on, and a lot of highly paid and unnecessary personnel.

It is our conclusion, therefore, that the manner of conducting these contests is all wrong. If the tables were turned and the

Democrats were conducting the investigation in an effort to unseat a Republican we are quite certain the tactics and horseplay would be much the same.

It seems to us that the solemn matter of contesting such an all-important seat as a United States Senate membership should be organized on a more nonpartisan and dignified plane. It should be sort of a judicial procedure with a wholly neutral and nonpartisan body in full charge of the investigation. The present partisan system seems so futile. It certainly is not compatible with the workings of our Democratic ideals.

All of which causes us to suggest that the United States Senate would do well to bolster public confidence if it invoked drastic reforms in its matter of conducting election contests of his own membership.

It isn't the contest itself that is irksome. Where a defeated candidate believes he was "gypped" it is not only to the candidate's interest but the public's interest that all the facts be brought forth for the public gaze. It's the unethical, dog-eat-dog tactics used by both sides that become so annoying and obnoxious.

Reform is in order.

[From the Portales (N. Mex.) Tribune of September 24, 1953]

#### OBSERVATIONS

(By Earl Stratton, Jr.)

In my opinion what New Mexico needs now is a probe of the Senate probers.

And evidently that's what an Eddy County grand jury wants to do. They have issued a subpoena for the chief counsel of the Senate probe with probable intentions of asking what were the "shocking frauds" found in the Artesia voting.

And it also appears that the chief counsel, Wellford Ware, won't appear before the grand jury. He's in Washington and most observers believe that he will stay there.

Reports of "shocking fraud" have been issued from time to time until the average citizen of New Mexico was about convinced that Senator CHAVEZ had stolen the election.

But with the release of a story from 1 of the 3 Senators on the committee that "no fraud was found which could be attributed to Senator CHAVEZ nor anyone connected with his organization" and the apparent confirmation by another of the 3 Senators a person wonders just what has been happening in the investigation.

Of course the first Senator to speak up was a Democrat and observers could lay aside his statement as being "partisan politics" but when the second member of the committee—a Republican—agreed, it appeared that there was a "nigger in the woodpile."

A thorough investigation of the probe has been promised in the United States Senate and most New Mexicans will watch this with interest.

As far as I am concerned I have never believed the charges of widespread vote stealing. It just doesn't make sense.

At one time 2 or 3 boxes were included among those to be contested and you can never make me believe that the election officials in Roosevelt County are dishonest. I have known most of them most of my life and regardless of what political party they are a member of I think they are honest people who will do their best to conduct an honest election. I don't believe a single ballot in Roosevelt County was changed.

And I don't believe a single ballot at Artesia was changed. I know quite a few people at Artesia and find them to be the same kind of people that live here.

It's possible that mistakes were made. If you have ever read the election laws of New Mexico you would realize that no election has ever been conducted just exactly according to the statutes.

But as far as stealing an election I just don't believe it and I congratulate the Eddy

County grand jury in demanding that Ware appear before it and answer some questions regarding the stealing of votes in Artesia.

Those "shocking-fraud" charges have given New Mexico a nationwide blackeye and I think the people who made them should be made to show how it was done or deny them publicly.

[From the Raton Daily Range of September 28, 1953]

#### SAGE AND CACTUS

(By Doughbelly Price)

The New Mexico joke of the century is dying the slow quivering death of a water Moccasin, the Hurley-Chavez election squabble. The dear old taxpayer he footed the bill and them investigators wont even talk. They have slunk off to Wash. the center of Confusion, and it will soon be forgot. That will be easy for there is nothing to remember. That money went down the sewer of greed for political power, and who wins? You guess, I already know. No wonder the United States is two hundred and seventy billion in the hole and spending next year's take to pay this year's bills—tax reduction. That is another big joke.

And dear old Malenkove in Russia setting back and grinning like a cat eating liver. We are trying to show Russia what we have got. We had better been showing what we ain't got, and that is commonsense. That money for nothing but bullheadedness could have been used in so many different ways.

It is getting to the point where it is no use to hold an election. That money would have went a long ways to buying voting machines. It costs more now to see who wins the election than the election itself. But them sub committee guys dont mind expenses. They are not out nothing. They had a nice paid vacation in the cool climate of New Mexico, seen things that they didnt know existed and will get back to Washington in time to draw their pay check and go into winter quarters in one of them five hundred a month apartments and laugh at the Sap taxpayers.

This United States is a great country. But it is getting to be a country of politics by politics and for poloticans. The farmer and stockman can take what is left after he pays Taxes. But we still have the groceries. That is what counts.

[From the Eddy County News of August 14, 1953]

#### THE HURLEY ELECTION PROBE

Regardless of the cost, the Hurley contest of Senator CHAVEZ' election last fall to the United States Senate proves that there is very little, if any, fraud in New Mexico politics. The allegations made by Hurley and his supporters that the senatorial election last fall was stolen haven't thus far been proven.

Furthermore, the cost of the probe, to support one man's apparently wild charges indicates that Hurley would be too expensive a man for New Mexico to have representing it in the United States Senate.

Thus far the senatorial election probe has cost the taxpayers more than 10 years of Hurley's senatorial salary. While no expense should be spared to investigate charges of election fraud where there is reason to suspect crooked practices in an election contest, in this case the probe of Hurley's charges against CHAVEZ and his supporters seems to be a worthless and expensive investigation. Such probes as the one now being conducted seem too expensive to gratify one man's injured feelings.

Mr. HENNINGS. Mr. President, I yield the remainder of the time under my control to the distinguished senior Senator from Georgia [Mr. GEORGE].



The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. SYMINGTON. Mr. President, will the Senator from Georgia yield to me?

Mr. GEORGE. I yield.

Mr. SYMINGTON. I ask that the distinguished Senator from Georgia yield 1 minute to me.

Mr. GEORGE. I yield.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 1 minute.

Mr. SYMINGTON. Mr. President, I hold in my hand an excerpt from an editorial entitled "New Mexico's Senator." I ask that the excerpt be printed at this point in the RECORD.

There being no objection, the excerpt from the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post and Times-Herald of March 23, 1954]

#### NEW MEXICO'S SENATOR

Despite serious irregularities in New Mexico's election procedures, there seems no warrant whatever for unseating Senator DENNIS CHAVEZ. The Senate is considering a recommendation by an Elections Subcommittee that Mr. CHAVEZ' seat be vacated. We think the Senate will be better advised if it heeds the blistering minority view filed by Senator HENNINGS, who charges that the majority report "is so inaccurate that it can only serve to mislead the Senate," that the minority member and counsel of the subcommittee were "excluded entirely" from the group's activities and deliberations, that if the Senate unseats Senator CHAVEZ, "it will, for the first time in the history of the Senate, vote to expel a duly elected United States Senator against whom no charge or suggestion of election fraud or irregularity has been made."

The fact is that New Mexico's election customs and procedures seem to pay scant respect to ballot secrecy. They ought to be reformed—and drastically. But nothing in the costly, prolonged, and flagrantly partisan subcommittee study—it rolled up a bill of more than \$200,000 paid out of public funds—shows that Senator CHAVEZ or his party was responsible for the irregularities or profited from them in any way. There is nothing, in short, to show that the outcome of the election was affected by the irregularities.

Mr. SYMINGTON. Mr. President, a part of the editorial has already been placed in the RECORD. It expresses the sentiments of many of us with respect to the magnificent legal presentation made by my colleague the distinguished senior Senator from Missouri [Mr. HENNINGS].

I desire to thank him for the fine presentation he has made with respect to the case of Senator CHAVEZ. The Senator from Missouri has completely convinced me that Senator CHAVEZ should retain his seat in the Senate. In the name of the people of Missouri, I should like to thank the senior Senator from Missouri for the fine job he has done.

Mr. GEORGE. Mr. President, first, let me say a word about the amendment which has been submitted by the distinguished senior Senator from Oregon [Mr. CORDON]. I do not think any Member of the Senate could vote for the resolution if the amendment were adopted. It reads as follows:

On page 2, line 3, after the word "Senate", insert a semicolon and the following: "and that it is the sense of the Senate that said

vacancy should be filled only by election held pursuant to the laws of the State of New Mexico."

Mr. President, what does the amendment mean? It means that, although there is a constitutional responsibility resting on the Governor of the State of New Mexico, we are asked to say to him, "Do not fulfill that responsibility. If that vacancy occurs in the Senate, it must be filled only by an election to be held pursuant to the laws of New Mexico."

Mr. President, is there a Senator who can vote for the resolution if such an amendment is attached to it? I hope not. At least, I express the hope that not one Senator on the Democratic side of the aisle will undertake to say to the Governor of a sovereign State, "You must not be governed by the plain language of the 17th amendment to the Constitution of the United States"—because that is what this amendment amounts to. That is all I wish to say on that point, Mr. President.

In the course of the debate, question arose about a Georgia case. In the first place, it was a case in equity, a case to enjoin an election. When the motion was made, does not appear from the facts. Probably it was made before the election. At any rate, the motion was made; and in equity it was held that when the county—it was only a county election—had adopted the Australian ballot system, in that county and in that election the requirements of the law were mandatory. That decision was concurred in by a bare majority of the court. There were two distinct dissents, one of them by the chief justice, the father of my distinguished colleague in this body at this time, the junior Senator from Georgia [Mr. RUSSELL]. That was in 1936.

In 1940, following that case, the Supreme Court said this about it:

The plaintiff relies on *Moon v. Seymour* (182 G. 702, 186 S. E. 744), and particularly the language in the first headnote to the effect that the law declared in the code, section 34-1902, is mandatory, and that a complete disregard of that statute by the county authorities renders void and illegal an election. That decision, however, did not deal with a purely political right—

That is the distinction, and it is a valid one which runs through all the courts of the land, from the Supreme Court down, "but the case was made by equitable petition seeking to declare void an election at which the question of the imposition of a tax was submitted to the voters."

It did not involve at all a political right.

What does that language mean, Mr. President? It simply means that when a citizen's right to vote is challenged, he shall not be deprived of that right, which is given to him by the Constitution, because of the fault of another—not even because of the misconduct of those who are holding the election.

But that is not all, Mr. President. In the Robinson case, in the court of appeals, which was cited in 50 Georgia Appeals, it was specifically ruled that even when the ballots were marked away from the polling place, that was a mere

irregularity which did not vitiate the election unless the results were affected by such action. That happens to be the law of Georgia. It happens to be in accordance with the general principle of law governing such matters.

Mr. President, I served for quite a long time as chairman of the Senate Committee on Privileges and Elections. During that period we handled many cases from year to year over a long period of time. In 1932 there came before the Senate Committee on Privileges and Elections the case of Heflin against Bankhead, from Alabama. Both claimed seats on this side of the aisle; therefore, there was no partisanship. It was simply a contest between two Democrats. That case was fought out in the Senate. In the case a lengthy discussion was entered into between the then Senator from the State of New Mexico, a distinguished Member, the Honorable Sam G. Bratton, and myself. We laid down, as best we could, certain rules which had the definite and distinct approval of the Senate, as shown by the vote which followed immediately thereafter. We said:

The following irregularities have been held by the Supreme Court of Alabama not to invalidate the election or disfranchise the voter:

The failure of sheriff to remove keys from ballot box, thus leaving them accessible to others. (*Ex parte Shepherd* (172 Ala. 205, 55 So. 627).)

Failure of proper authority to furnish certified list of registered voters, in the absence of showing that illegal ballots were received which affected the result, does not render the election void. (*Com. Ct. of Washington County v. State* (151 Ala. 561, 44 So. 507).)

Failure of the sheriff to provide booths. (*Patton v. Watkins*, *supra*.)

After that, place was not prepared where voter could privately mark his ballot. (*Patton v. Watkins*.)

These very issues came before this body; and after a long review of almost every case bearing on election contests we reached this conclusion.

Cited in support of this conclusion were cases from Alabama, Arizona, California, Dakota, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, and so forth, including New Mexico, and running through North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Utah, Washington, West Virginia, and Ontario. We got some English cases.

What was the rule we laid down in the Senate?

It will be noted that, according to this statement of the rule, the irregularity or error does not of itself create a situation where it must be shown that the result was not affected. In order to set aside an election there must be not only proof of irregularities and errors, but, in addition thereto, it must be shown that such irregularities or errors did affect the result.

There is not a line of testimony in this record even to indicate that the result was affected.

Under the great weight of authority, the test as to whether irregularities vitiate an election is, Did they affect the result? Unless it be affirmatively shown that they did

affect the result, they are to be disregarded, and the result of the election stands.

What are we asked to do here? We are asked to throw out and declare void an election in an entire State. Why? Because in various counties in the State no booths were provided, and there was no one to help blind or otherwise incapacitated voters to mark their ballots.

What does that mean? If in various counties in the State no booths were provided, is that a badge of fraud? It is rather the contrary, because anyone on horseback or in a Ford could have ridden through New Mexico and could have found precincts where no booths were provided for the voters.

The VICE PRESIDENT. The time of the Senator from Georgia has expired.

Mr. GEORGE. I express the hope that the Senate will do what it always has done in its long and glorious history, that is, say that unless there is some taint of wrong affecting this election and the contestants involved in it, we will not declare the election void.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. CORDON], which the clerk will state.

The CHIEF CLERK. On page 2, line 3, after the word "Senate", it is proposed to insert a semicolon and the following: "and that it is the sense of the Senate that said vacancy should be filled only by election held pursuant to the laws of the State of New Mexico."

Mr. HENNINGS and other Senators asked for the yeas and nays.

The yeas and nays were ordered.

Mr. SALTONSTALL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SALTONSTALL. As I understand, the pending question is the amendment of the Senator from Oregon [Mr. CORDON].

The VICE PRESIDENT. The Senator from Massachusetts is correct.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL (when his name was called). On this vote I have a pair with the senior Senator from New Hampshire [Mr. BRIDGES], who is ill in the hospital. If the senior Senator from New Hampshire were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Under the circumstances I withhold my vote.

Mr. LANGER (when his name was called). On this vote I have a pair with the distinguished senior Senator from California [Mr. KNOWLAND]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. SALTONSTALL. I announce that the Senator from Maryland [Mr. BUTLER] is absent on official business.

The Senator from New Hampshire [Mr. BRIDGES] and the Senator from Wisconsin [Mr. WILEY] are necessarily absent.

The Senator from California [Mr. KNOWLAND] has been excused from the Senate because of illness in his family.

The result was announced—yeas 36, nays 53, as follows:

#### YEAS—36

Barrett	Ferguson	Mundt
Beall	Flanders	Potter
Bennett	Goldwater	Purtell
Bricker	Griswold	Saltonstall
Bush	Hendrickson	Schoeppel
Butler, Nebr.	Hickenlooper	Smith, N. J.
Capehart	Ives	Thye
Carlson	Jenner	Upton
Case	Malone	Watkins
Cordon	Martin	Welker
Duff	McCarthy	Williams
Dworshak	Millikin	Young

#### NAYS—53

Alken	Hennings	Mansfield
Anderson	Hill	Maybank
Burke	Hoey	McCarran
Byrd	Holland	McClellan
Clements	Humphrey	Monroney
Cooper	Hunt	Morse
Daniel	Jackson	Murray
Dirksen	Johnson, Colo.	Neely
Douglas	Johnson, Tex.	Pastore
Eastland	Johnston, S. C.	Payne
Ellender	Kefauver	Robertson
Frear	Kennedy	Russell
Fulbright	Kerr	Smathers
George	Kilgore	Smith, Maine
Gillette	Lehman	Sparkman
Gore	Lennon	Stennis
Green	Long	Symington
Hayden	Magnuson	

#### NOT VOTING—7

Bridges	Knowland	Wiley
Butler, Md.	Kuchel	
Chavez	Langer	

So Mr. CORDON's amendment was rejected.

The VICE PRESIDENT. The resolution is still open to amendment. If there be no amendment to be offered the question is on agreeing to the resolution.

Several Senators requested the yeas and nays.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. JOHNSON of Texas. As I understand, the question is on agreeing to the resolution as reported by the Committee on Rules and Administration.

The VICE PRESIDENT. The Senator from Texas is correct. The question is on agreeing to the resolution as reported by the Committee on Rules and Administration. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. AIKEN voted in the negative when his name was called.

Mr. MAYBANK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from South Carolina will state it.

Mr. MAYBANK. As I understand, a "nay" vote is a vote against the resolution as reported by the committee.

The VICE PRESIDENT. The Senator from South Carolina is correct.

Mr. HENNINGS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Missouri will state it.

Mr. HENNINGS. Mr. President, there seems to be some misunderstanding as to the precise nature of the vote which is about to be taken. As I understand, it is the final vote on agreeing to the resolution, as reported by the Senator from Wyoming [Mr. BARRETT], as chair-

man of the Subcommittee on Privileges and Elections of the Committee on Rules and Administration. I should like to say, in explanation, for the benefit of Senators who have entered the Chamber—

Mr. SALTONSTALL. Mr. President, I rise to a point of order.

Mr. HENNINGS. All I wanted to say was that—

Mr. SALTONSTALL. A yea-and-nay vote is being taken, Mr. President.

Mr. HENNINGS. I shall not make a speech. All I wish to say is I assume it is understood by the Chair and all Senators that my substitute will not be offered. That is all I wish to say, by way of clarification.

Mr. ELLENDER. Mr. President, may we have the resolution read?

The VICE PRESIDENT. The clerk will state the resolution, without reading the preamble.

The Chief Clerk read as follows:

*Resolved*, That it is the judgment of the Senate that at the November 4, 1952, general election, in and for the State of New Mexico, no person was elected as a Member of the Senate from that State, and that a vacancy exists in the representation of that State in the Senate.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the Governor of the State of New Mexico.

The VICE PRESIDENT. The clerk will resume the call of the roll.

The legislative clerk resumed the call of the roll.

Mr. KUCHEL (when his name was called). On this vote I have a pair with the senior Senator from New Hampshire [Mr. BRIDGES], who is ill in the hospital. If he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." I withhold my vote.

Mr. LANGER (when his name was called). On this vote I have a pair with the senior Senator from California [Mr. KNOWLAND]. If he were present and voting he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

The roll call was concluded.

Mr. SALTONSTALL. I announce that the Senator from Maryland [Mr. BUTLER] is absent on official business. The Senator from New Hampshire [Mr. BRIDGES], the Senator from California [Mr. KNOWLAND], and the Senator from Wisconsin [Mr. WILEY] are necessarily absent.

The result was announced—yeas 36, nays 53, as follows:

#### YEAS—36

Barrett	Dworshak	Millikin
Beall	Ferguson	Mundt
Bennett	Flanders	Potter
Bricker	Goldwater	Purtell
Bush	Griswold	Saltonstall
Butler, Nebr.	Hendrickson	Schoeppel
Capehart	Hickenlooper	Thye
Carlson	Ives	Upton
Case	Jenner	Watkins
Cordon	Malone	Welker
Dirksen	Martin	Williams
Duff	McCarthy	Young

#### NAYS—53

Alken	Douglas	Gore
Anderson	Eastland	Green
Burke	Ellender	Hayden
Byrd	Frear	Hennings
Clements	Fulbright	Hill
Cooper	George	Hoey
Daniel	Gillette	Holland



Humphrey	Lennon	Pastore
Hunt	Long	Payne
Jackson	Magnuson	Robertson
Johnson, Colo.	Mansfield	Russell
Johnson, Tex.	Maybank	Smathers
Johnston, S. C.	McCarran	Smith, Maine
Kefauver	McClellan	Smith, N. J.
Kennedy	Monroney	Sparkman
Kerr	Morse	Stennis
Kilgore	Murray	Symington
Lehman	Neely	

## NOT VOTING—7

Bridges	Knowland	Wiley
Butler, Md.	Kuchel	
Chavez	Langer	

So the resolution (S. Res. 220) was not agreed to.

## REDUCTION OF EXCISE TAXES

Mr. SALTONSTALL. Mr. President, I move that the Senate proceed to the consideration of House bill 8224, to reduce excise taxes and for other purposes.

The VICE PRESIDENT. The clerk will state the bill by title.

The CHIEF CLERK. A bill (H. R. 8224) to reduce excise taxes and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

## EMPLOYMENT SITUATION IN DISTRICT NO. 23, WHEELING, W. VA.

Mr. CLEMENTS. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a letter from Mr. J. C. Carroll, district representative in charge of area 3, District No. 23, Wheeling, W. Va., enclosing a report on the employment situation in that district.

There being no objection, the letter and report were ordered to be printed in the RECORD, as follows:

UNITED STEELWORKERS OF AMERICA,  
Wheeling, W. Va., March 18, 1954.

The Honorable EARLE C. CLEMENTS,  
United States Senator, Senate Office  
Building, Washington, D. C.

SIR: I am sending, attached hereto, a report of the employment situation in the territory I serve, along with my economic viewpoint concerning some of the tax legislation presently before the Congress.

I sincerely regret the necessity for sending you mimeographed material and for the fact it may not be as well written as it could have been with a little more time expended in its preparation, however, I have stated the facts as accurately as possible. The opinions are those formed from my own long experience as a workman and as a representative of workmen in our industry.

I am sending copies of the enclosure to each of the local unions in my area and to my district director. I sincerely trust you will read and use the material in the interest of avoiding a crippling industrial depression.

Respectfully yours,

J. C. CARROLL,  
District Representative in Charge  
Area 3, District No. 23.

ASHLAND, KY., March 18, 1954.

SIR: I am a district representative of the United Steelworkers of America, District No. 23. I work under the direction of my district director and am responsible to him and our membership for the negotiation and administration of contracts with employers in area 3 of our district. Area 3 encompasses the cities of Huntington, W. Va.; Ashland, Ky.; Portsmouth, Ironton, and Jackson, Ohio, and points in between. With-

in this area, are 24 local unions, on behalf of which we hold 27 signed collective bargaining contracts. These local unions and contracts embrace some 13,000 employees of the 24 employers covered by the contracts.

At this time, approximately 23 percent of the people normally employed have been laid off from their jobs in the steel mills, shop, and foundries—many have been off long enough to have used up all unemployment benefits. It is true that some have found other work, but for the most part the bulk have not been able to obtain employment which equals, or nearly equals, the jobs they lost.

I have received dozens of complaints from those seeking jobs that other prospective employers have refused them employment because most of the job seekers hold seniority and recall rights at their original place of employment. Most such complaints come from those who have sought employment at the Pike County atomic-energy project.

Another serious matter is the manner in which employers are taking advantage of the situation to install labor-saving devices, speeding up production facilities, and making technological improvements in production facilities which reduce the working force to an alarming degree. This, once bitterly resisted by labor, has been embraced and encouraged by labor in the period of the great war and the postwar famine of many items of durable goods.

Some industrialists have recently bragged that a layoff will increase production. (See the Wall Street Journal of Feb. 16.) Such increase in production is not progress in that it further reduces the work force to produce more for a market which does not exist, nor will exist unless people have buying power. It is a contributing factor to the vicious, never-ending spiral of retrogression. The reduction of corporate taxes enhances and encourages the full exploitation of these circumstances by the employer. It is wrong, perhaps fatally wrong, to remove the excess-profits tax.

Today the industrial employer demands much of his employees. He insists they be in constant readiness to respond to his call to work, whether it be for a day, a week, or longer period, yet he will seldom hear to a contract clause which will guarantee to the employee employment for as much as a single hour. He will often refuse to give an employee he has laid off, time to give proper notice to another employer, who may have provided him with work, before rushing back to his original boss for what may be only a day or a week's work. It is firmly believed that employers have an unwritten conspiracy to deny employment to one who holds recall rights to another employer, yet in many cases the original employer will fight the payment of unemployment compensation to his employee who cannot find another job.

At this time, tax bills are before the Congress which will, if enacted, provide some substantial relief to the depression which is upon us. If you object to the word "depression," would you be gracious enough to look at it this way—you have had fairly steady work since you were discharged from the armed service; your annual income has been between \$3,000 and \$5,000 per year, you married and have 2 or 3 or 4 children who are now of school age; you used your GI rights to obtain a 4-percent loan to buy a house (now 4½ percent if you waited too long); you partly furnished the house on the installment plan and intended to finish the job as soon as the first items were paid for; you worked hard to advance in your employment and to train yourself to fully satisfy the needs of your employer; you learned to do his kind of work; of course you bought a car; perhaps you paid for it and traded it on a newer one which is only partly paid for. Now, all of a sudden, you have no job, be-

cause your employer has retarded his production; he tells you it will be for only a short period; that was last October, but you still are unemployed, or you were able to find work, not in your trade, but the kind most anyone can do without special training, but your income has been reduced by half. Then ask yourself, Is there a depression at my house? Before you answer, remember that you have been more fortunate than some of the unemployed; you did get a GI loan for your house; you did find some work to help feed your children. Others either had to borrow and scrape a much larger down payment for their house and pay 5 or 6 percent interest on the loan; that was because he may have been too old for the war or was a IV-F; usually his plight is worse than yours now.

The reduction of income taxes to the low-medium income group is of the essence, if substantial enough—and the time is now. Our Federal Government is going to lose the revenue anyway, so why not give it up in the one way it may render service before all is lost. Put it in the hands of the people who need the products of industry—they will spend it—they will have to spend it.

I speak of increasing personal and dependent tax exemptions at least by the amounts stated in the George bill, except make the \$1,000 exemption effective now—now is when relief is needed if such relief can be expected to stem the tide of depression—once that job is accomplished, and if experience teaches that such exemptions are otherwise inequitable, the Congress can always make corrective adjustments. You will find the American workman willing to pay his fair share of the taxes. This is not a plea for him alone, but rather his plea to you to spare this Nation a repetition of the early 1930's.

As our representative in the Congress, I urge you to work to your utmost ability and with your greatest energy for the early passage of the George bill, but amended to make the \$1,000 exemption effective at once, in order that the greatest good may come from it.

Yours respectfully,

J. C. CARROLL,  
District Representative in Charge  
Area 3, District No. 23.

## TRAINING AIR OFFICERS

Mr. GORE. Mr. President, recently the Senate passed a bill creating an Air Force Academy. I expressed the view that one national defense academy would be preferable. I ask unanimous consent to have printed in the body of the RECORD an editorial from the Washington Post of yesterday, entitled "Training Air Officers," which editorial I endorse.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

## TRAINING AIR OFFICERS

It was inevitable that Congress would approve a separate training academy for the Air Force. Some proponents have felt that the independence of the air arm would not really be assured until it had control over the training of its own career officers. While the details on selection of the site remain to be worked out, psychologically the authorization of an Air Academy is important as a sign that the Air Force has come of age.

There also are some significant practical considerations. For the past few years the Air Force has been taking 25 percent of the graduates of the Military Academy at West Point and of the Naval Academy at Annapolis. This has been a severe drain on the other services, and one which they will be glad to see ended. The advent of the Air

Academy also should enable the Air Force to increase the proportion of college graduates among its career officers. As of now, only 47 percent of the active officers in the Air Force are college graduates, as compared with 87 percent in the Navy and 71 percent in the Army. By offering a college education the Air Force should be able to appeal to more young men to make military service a career. And a better educated Air Force should mean a more mature, better balanced Air Force.

Having authorized the Air Academy, however, Congress now has a duty, it seems to us, to look to the future. The Air Academy ought to be a step toward further unification, not away from it. We have always believed that the career officers of the Armed Forces ought to have some common background of training and experience. Would it not be possible, as the next step, to establish one basic training school for all prospective officers, one which would include general instruction as well as indoctrination in the concepts of the Army, Navy and Air Force? The separate service academies could then be regarded as professional schools, to be entered as a student now enters law or medical school, after a common background training.

Specialized instruction will continue to be essential for each service, but it would do a great deal to advance unity and an overall view of the Military Establishment if the specialized courses followed an integrated basic program for all cadets. This could be a logical step leading to the end that President Eisenhower once advocated—a corps of senior officers at the top level who would be, not representatives of a single service, but officers of the United States.

#### RECESS

Mr. SALTONSTALL. I move that the Senate now stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, March 24, 1954, at 12 o'clock meridian.

#### NOMINATION

Executive nomination received by the Senate March 23 (legislative day of March 1), 1954:

##### DEPARTMENT OF LABOR

Arthur Larson, of Pennsylvania, to be Under Secretary of Labor.

## HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 23, 1954

The House met at 12 o'clock noon.

Rev. Richard L. Irvin, special representative, Methodist Church, Dallas, Tex., offered the following prayer:

Infinite God of wisdom, grant us deep and abiding assurance that in our weakness Thou art our strength; through darkness Thou art light; surrounded by despair Thou art courage; faced with defeat Thou art victory. Our Supreme Lawgiver, in the light of holy wisdom, permit us to make sensible decisions. When there is distress may we be quick to administer assistance. As the spring season enters an ever-changing human drama, so may the newness of God trickle into human lives. Skyward rise planes against the wind; likewise may upward we rise in the face of many barriers. If we are to pilot the ship of state

then be Thou our navigator. For people of every clime and coast we pray; hear us for our native land—the one we love the most. From every foe guard our shore; and with divine peace bless our borders; let liberty be a watchword for our hills and valleys. Our Nation we commend to Thee. Be Thou her refuge, her trust, and her everlasting friend. We pray in the name of the eternal Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### THE NEW YORK TIMES

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WAINWRIGHT. Mr. Speaker, since my advent in the 83d Congress I have been waiting for the appropriate time to present my compliments to what is, in my opinion, the finest newspaper published in the world today. The New York Times meets every possible test of journalism—news coverage, printing standards, and so forth. This great paper's activities were shown to millions across the country yesterday, March 21, 1954, on a Ford Foundation television program.

But what this television program could not present is one outstanding fact: The New York Times editorial policy has as its major premise when tackling a problem: "Is this in the best interests of our Nation?" Recent months have found this newspaper taking the editorial lead against what many believe to be a malignant threat to American democracy and to the Republic for which it stands. The daily newspapers as well as many of the weekly papers in the First Congressional District are presenting a solid and courageous front on this grave question.

Today's New York Times lead editorial reiterates the rights and duties of a responsible press. This is a creed of freedom. It presents a challenge to intimidation, to fear, and to blind ignorance from all sources.

An enlightened American press, our greatest bulwark against tyranny from whatever direction, could do no better than to follow this creed and accept its challenge.

#### CORRECTING CERTAIN INEQUITIES

Mr. LONG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LONG. Mr. Speaker, I have introduced three bills to grant certain increases in compensation and pension payable to disabled veterans. While there have been many bills introduced for the purpose of granting increases to veterans and their widows and children, I believe that the groups which I am endeavoring to help in these bills have been, for the most part, overlooked.

There are within this country many veterans who upon returning from the wars suffered a disability immediately thereafter which has not been traceable to service but which nevertheless rendered the veteran helpless or blind, or so nearly helpless or blind as to require the regular attention of another person. These disabilities are classed as non-service-connected, because the veteran has not been able to prove any connection with his service in the Armed Forces. These men are helpless and must depend upon someone else to assist them in every need, including body functions. They are now in receipt of the small sum of \$129 per month to take care of everything, including food, clothing, the services of the attendant, and medical care, which is always quite a big item. The last time an increase in pension was granted for this group the Congress had to override a Presidential veto. I hope that this Congress also will see fit to enact the increase provided in my bill, which would give these veterans an additional 20 percent, adding \$25.80 per month to the checks and bringing the total monthly check to \$154.80. Even this amount is not enough to defray the necessary expenses with which these totally disabled veterans are faced, but it will certainly help.

You may ask why I do not favor increasing the compensation payments for those veterans who were injured in service. Well, I have two bills for that purpose also which I am introducing. The first of these would grant a flat 20-percent increase to the service-connected disabled veteran's compensation check, for those who were disabled to a degree of 50 percent or more. Those disabled less than 50 percent, according to my bill, will get even a bigger percentage of increase because they were left out in the last additions that were enacted. Under my bill, they will first be brought up to an even percentage of the totally disabled in amount, then they will be increased by 20 percent. As the laws now stand, a veteran suffering from total disabilities, which he acquired in the service, and who has no dependents, receives \$172.50 per month. My bill would bring his check up to \$207 per month; and a man suffering from 40-percent disability would receive 40 percent of the total, or \$82.80 per month, and so on down to 10-percent disabled, who would receive \$20.70. Some of these veterans, of course, get an additional allowance for dependents. This bill would have the effect of equalizing the compensation rates and at the same time grant increases to all veterans. A huge saving would be accomplished in administrative expense within the Veterans' Administration because of the simplicity of handling all on the same basis.

I have still another bill for increasing a certain group which has been forgotten for a long time. Past Congresses saw fit to grant special awards, called statutory awards, for veterans who sustained the particular loss of certain limbs or organs in combat, as well as for veterans who contracted particularly disabling chronic diseases, such as tuberculosis. The bill which I have introduced would increase all these special statutory awards by 20 percent.



I have attempted in these three bills to cover groups which have been more or less forgotten. I am in favor of increasing other groups, as well, which are already covered in legislation introduced by my colleagues. As a member of the Committee on Veterans' Affairs, the veterans can depend upon me to watch out for them and to do my bit to protect their interests. All three of these bills which I have introduced today should be enacted. I hope that the committee will go along with me in reporting out these bills and that this august body will take similar favorable action upon them.

#### IT'S TIME TO ACT NOW ON DAIRY SUPPORTS

Mr. JOHNSON of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. JOHNSON of Wisconsin. Mr. Speaker, yesterday I drew the attention of my colleagues to the fact that on April 1—which is only 9 days away—the support price on milk and butterfat drops from 90 to 75 percent of parity. I also called the attention of my colleagues to my bill, H. R. 8388, which would extend 90-percent support prices on milk and butterfat for another 4 months after April 1. The additional 4 months' extension will give Congress an opportunity to propose and enact legislation that realistically deals with the dairy industry in a general farm bill.

In my remarks yesterday I stated that it was my hope that the House Committee on Agriculture would act favorably on H. R. 8388—or a similar bill if there were one—and report it before the April 1 deadline date when Secretary of Agriculture Benson plans to "lower the boom" on the Nation's dairy farmers.

It is not my intention to belabor this point, but I cannot help in observing that Secretary Benson's announcement of lowered dairy supports has already reflected itself in slowing up business on Main Street. I feel certain that this same thing is true in every community in the Nation which has extensive dairy farming around it. There are approximately 3 million dairy farmers in the United States—so I am sure that there are communities other than those in my district or Wisconsin that are and will be affected by lowered dairy price supports.

I wish to point out to my colleagues from the strictly urban districts that as business declines more and more on the Main Streets of communities in the dairy farming areas this will in turn have a chain reaction on industrial production and employment of your cities. The general farm income decline has already created a considerable amount of unemployment in the farm implement industry and other industries that service and supply farmers.

Lowering support prices on milk and butterfat will pinch the dairy farmers' pocketbook harder and it will not induce them to buy machinery, household goods, automobiles, refrigerators, and the nu-

merous other items needed in the homes and on the farms. Secretary Benson's action may well touch off the fuse for a farm-led and farm-fed depression that will idle the assembly lines of your city factories.

The net result is that everyone—farmers, businessmen, industry, labor, and even the Government—will lose. Farmers without net taxable income and unemployed workers cannot pay income taxes—that is why I say the Government will also lose.

It is imperative, therefore, that Congress take action on this matter before it gets out of hand.

H. R. 8388

A bill to continue temporarily existing 90 percent of parity price supports for milk and butterfat.

*Be it enacted, etc.,* That the Congress hereby expresses the policy that preservation of dairy farmers' income is of direct importance to the entire economy. Price supports for dairy products have been placed at 90 percent of parity for each of the past 2 years; such supports have prevented disastrous drops in dairy farm income. Now in a period of falling consumer demand the Secretary of Agriculture has indicated his plan to lower these supports from 90 percent to 75 percent of parity, effective April 1, 1954. Congress has before it many bills which when enacted would prevent this reduction from going into effect; the Agriculture Committees of both Houses are engaged in hearings at this time concerning future farm price-support legislation, including dairy price supports; if comprehensive well-rounded attention is given to this entire matter, the final law cannot be enacted until after the dairy price-support cuts go into effect on April 1, 1954. The Congress therefore finds that the present level of dairy supports should be extended until such time as Congress can act upon long-term legislation.

Sec. 2. Section 201 (c) of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof the following new sentence: "Effective April 1, 1954, through July 31, 1954, the prices of such commodities shall be supported by the means specified at a level of 90 percent of the parity price."

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MARSHALL. Mr. Speaker, I wish to compliment my colleague the gentleman from Wisconsin [Mr. JOHNSON] for his effort to bring about action on this particular matter. It would do much to relieve the uncertainty that is facing the industry today. I hope that other colleagues in the House will also urge action on the bill H. R. 8388, which is of immense importance to the dairy industry of this country.

#### WHEN DO WE UNLOCK THE ANTI-DEPRESSION ARSENAL?

Mr. HAYS of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS of Ohio. Mr. Speaker, the number of business failures last week was 229. This was 6 more than the week previous. It was 64 more than the same week a year ago. The number gets larger week by week.

The statistics on business failures may not strike the administration as a matter of deep concern, for after all, look at all the businesses which did not go broke. Undoubtedly, 229 is only a drop in the bucket out of the total number of enterprises in America.

But 229 this week as against 223 last week as against 204 and 216 in earlier weeks adds up to a lot of businesses going under in a month's time, in a year of what the administration calls fundamental economic strength and great prosperity. There are 52 weeks in the year, and if the number of business failures keeps rising in the curve established since late last year, we are going to see the total in a shocking light one of these days. The trouble is, of course, that once this thing spreads it causes a chain reaction and you get, not a curve but a sudden vertical climb.

Mr. Speaker, when a business goes broke—a small business—it may not shake Wall Street to its foundations but it certainly churns up and shreds the hopes and dreams and aspirations of the men and women who put their savings and their future on the line in going into that business. It causes a swirl of distress among all the creditors of that business—usually other small businesses and perhaps puts some of them under, too.

The people who lose their savings and investments, those who lose their jobs and those who get caught in the backwash of either of those personal calamities as innocent bystanders cannot get very enthusiastic over reassurances out of the White House that we are not going to let a depression get under way in the United States.

To those individuals, this is depression.

Actually, of course, it is more accurately a recession from the statistical standpoint. But unless some action is undertaken soon to reverse this horrible trend, the wording will be pretty academic; we shall be in economic trouble, and we shall all be in it together.

The administration's arsenal of weapons to fight depression is locked up, and no one seems to have the key or know where it is kept. When is the President going to unlock the arsenal, or has he nothing in that closet, anyway, but some old muzzle-loaders?

This is not the way he commanded armies.

#### THE ROLE OF THE MINISTER

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MILLER of Nebraska. Mr. Speaker, yesterday during the debate on the public works bill for the District, I made the statement that some ministers

of the Gospel took off their ecclesiastical robes and entered the political arena by making statements criticising Congress for not either cleaning up the slums or giving the District home rule. The shoe apparently fit several ministers in the Nation's Capital. They let out a loud and resounding squawk. Is it possible that, with home rule, there would be no slums? I believe every city comparable to Washington, D. C., has a slum area and they have home rule. Home rule for the District of Columbia has for a long time been a sharp political and controversial problem. It will not be decided in the churches.

Mr. Speaker, when I go to church, I like to go to get food for my soul. Ministers of the Gospel should not use a spiritual altar as a sounding board to expound their political views. It is cheapening, if not downright sacrilegious. A church should be a house of prayer. Certainly giving Washington, D. C., home rule would not eliminate the slums or dispel sin.

There are some men of the robe who find it necessary to throw political rocks in order to get questionable publicity. Their favorite target seems to be Members of Congress.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I feel that the remarks made by the gentleman from Nebraska should not go unanswered by some Member of this body. Certainly, when the day comes that priests, ministers, and rabbis must close their mouths against conditions that are affecting the souls and bodies of human beings, a bad state of affairs will arise. Now, to use the altar or the ministry or the church for pure political reasons is one thing, but there is a twilight zone. For example, if a priest or minister or rabbi saw conditions existing in their communities where liquor was being sold to children or teen-agers or other unlawful conditions existing, certainly it would be within their province, in fact, their duty, to speak out, because that involves the morals of their people. Now, there is a wide twilight zone between strictly ecclesiastical activities and political activities, and certainly within that twilight zone where the souls of people are involved, the exploitation of human beings, terrible conditions which affect the spiritual outlook and faith of our people, the souls committed to the care of priest, rabbi, and minister, it is their duty, in performing their mission on earth, to speak out against such conditions.

#### ROBERT A. TAFT SANITARY ENGINEERING CENTER

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Concurrent Resolution 214.

The Clerk read the resolution, as follows:

*Resolved by the House of Representatives (the Senate concurring), That the Sanitary Engineering Center, Cincinnati, Ohio, which is to be dedicated by the Department of Health, Education, and Welfare on April 8 and 9, 1954, should be known and designated as the "Robert A. Taft Sanitary Engineering Center," in honor of the late Senator Robert A. Taft and should be dedicated as a memorial to his distinguished public service. Any law, rule, regulation, document, or record of the United States in which such center is referred to should be held to refer to such center under and by the name of the "Robert A. Taft Sanitary Engineering Center."*

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. McGREGOR]?

There was no objection.

Mr. SCHERER. Mr. Speaker, a week from this coming Thursday, the Federal Government will dedicate its new Sanitary Engineering Center at Cincinnati, Ohio.

This center is a research laboratory for the study of pollution of the interstate waters of the United States and the control thereof. It is the only one of its kind in the world. It was authorized by the Water Pollution Control Act of 1948 which was sponsored by the late Senator Robert A. Taft.

This imposing \$4 million structure is within 3 miles of the Taft home in Cincinnati and was built during the last years of the Senator's life. It seems to be altogether fitting and proper, therefore, that this facility which will be of great benefit to mankind should bear the name of Bob Taft as provided by my resolution, House Concurrent Resolution 214.

It will stand as a memorial to a man who served his State and Nation with tremendous ability and distinction. It will be a proper and lasting tribute to a great American.

The resolution was agreed to, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE TO EXTEND REMARKS ON HOUSE CONCURRENT RESOLUTION 214

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks on House Concurrent Resolution 214 at that point in the Record prior to the passage of said resolution, and also that all Members may have 3 legislative days in which to extend their remarks in the Record on House Concurrent Resolution 214.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. McGREGOR]?

There was no objection.

#### CALL OF THE HOUSE

Mr. CLEVENGER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Obviously a quorum is not present.

Mr. HALLECK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 38]

Albert	Graham	Miller, Kans.
Allen, Ill.	Gubser	Morgan
Battle	Harrison, Va.	Neal
Bennett, Mich.	Hays, Ark.	O'Konski
Bentley	Heller	Osmer
Bolling	Hillings	Patten
Boykin	Hinshaw	Patterson
Bramblett	Holt	Powell
Brown, Ohio	Holtzman	Radwan
Buckley	Hunter	Regan
Celler	Javits	Roberts
Chelf	Jensen	Robson, Ky.
Colmer	Jones, Ala.	Roosevelt
Davis, Tenn.	Kearney	Smith, Kans.
Dawson, Ill.	Kelley, Pa.	Steed
Dingell	Landrum	Sutton
Donovan	Lucas	Taylor
Ellsworth	Madden	Velde
Engle	Martin	Vorys
Evins	Mason	Weichel
Gavin		Winstead

The SPEAKER. On this rollcall 369 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

#### THIRD DEFICIENCY APPROPRIATION BILL

Mr. CANNON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. Mr. Speaker, it is the general understanding that the House leadership has scheduled for consideration this afternoon the third deficiency appropriation bill. May I inquire what changes, if any, have been made in that arrangement.

Mr. TABER. We are not going to bring it up today, and I understand that the first day that would later be available would be Thursday.

Mr. CANNON. Mr. Speaker, may I inquire if this bill will be again presented to the whole Committee on Appropriations with recommendations for report to the House and, if so, when it will be brought to the floor.

Mr. TABER. I cannot tell whether or not it will be presented to the full committee. It will depend upon what the subcommittee might find out with reference to an item that is involved.

Mr. CANNON. At any rate, Mr. Speaker, when does the gentleman from New York expect the bill to reach the floor?

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Indiana.

Mr. HALLECK. Mr. Speaker, a matter has arisen here that was unforeseen, and I believe very properly the chairman of the Committee on Appropriations and his colleagues feel that the matter should be gone into before action is had on the floor. I might say, parenthetically, that I tried to keep the program and the whip notice in line so that we did hear on the floor what was announced. We also have for consideration this week a bill out of the Committee on Veterans'



Affairs having to do with direct loans to veterans, an extension of a program we already have. I have spoken to the minority leader, the gentleman from Texas [Mr. RAYBURN], suggesting to him the possibility of moving the consideration of that measure up to today so that we might dispose of it this afternoon. Then, of course, we could take up this matter that we had scheduled for this afternoon either tomorrow or Thursday, depending on the wishes of the Committee on Appropriations.

Mr. CANNON. May I inquire of the distinguished gentleman from Indiana, the majority leader, further? We understand that this is an emergency bill.

Mr. HALLECK. That is right.

Mr. CANNON. And in order to expedite it the House by unanimous consent, conferred on the Appropriations Committee authority to report the bill during recess of the House. Now, it still remains an emergency matter, I take it, and the bill in its present form is privileged for consideration this afternoon. Can the gentleman give us any definite idea as to whether it will be brought up at any time today, and if not today, when we may expect it to come before the House?

Mr. HALLECK. Well, the gentleman from New York informs me that he is of the opinion that Thursday would probably be the earliest day on which the matter could be presented. Of course, if that is the situation, then whether or not we proceed with the bill from the Committee on Veterans' Affairs this afternoon or take it up tomorrow as originally indicated would not make any difference.

Mr. CANNON. A further inquiry, Mr. Speaker. Is it the intention then to again report the bill to the House which would require, as I understand it, under the rules, a further 3-day period prior to consideration?

Mr. TABER. It is not the intention to again report the bill to the House. If there is any action taken by the committee, it would be with reference to a committee amendment.

Mr. CANNON. It would not be necessary to invoke the 3-day rule?

Mr. TABER. It would not.

Mr. SHORT. Mr. Speaker, if the gentleman will yield, because several Members of both the Senate and the House have planned to be out of the city on Thursday, Friday, and Saturday of this week on a rather important mission, I thought it had been agreed upon that if we should have a rollcall on Thursday on any matters that it would go over until next week, Monday.

The SPEAKER. The Chair also has that impression, but I do not know how this would interfere with that program. The gentleman from Missouri makes the suggestion that his and other committees are going on very important tours on Thursday; that if a rollcall was to be requested on that day, that it would be postponed.

Mr. HALLECK. Mr. Speaker, I think the matter to which the gentleman from Missouri [Mr. SHORT] refers is a matter of great importance to the Members who are going and to all of us, in that it is desirable for them to have information

which they will get on that trip. So, as far as I am concerned, and I am quite sure the gentleman from Texas [Mr. RAYBURN] would agree with me, if this matter goes over to Thursday and a record vote is necessary, we shall postpone that vote until Monday. The gentleman from Texas [Mr. RAYBURN], in his usual fine fashion, indicates that he will go along with that. I shall certainly undertake to see that that is done.

Mr. SHORT. Mr. Speaker, I might say to the distinguished majority leader that the entire Texas delegation has been invited to make this trip.

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, in view of the developments, it is my opinion that we would better proceed with the bill from the Committee on Veterans' Affairs tomorrow, and take up on Thursday the bill we had anticipated taking up today, disposing of it on Thursday, with the understanding that if a record vote becomes necessary, that vote will go over until Monday.

#### JUDICIAL REVIEW OF DECISIONS OF THE BOARD OF VETERANS' APPEALS

Mr. KEATING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEATING. Mr. Speaker, I am today introducing a bill to provide for court review of decisions rendered by the Board of Veterans' Appeals. Under leave to extend my remarks, a copy of the bill is attached.

Nearly every Member of Congress has at times been shocked by decisions rendered by the Board of Veterans' Appeals. No doubt made in good faith and from the purest of motives, some of these decisions have visited grave injustices upon veterans and their families for whose benefit the Congress has enacted legislation.

With the tremendous workload which it faces, the Board is bound to make mistakes from time to time. No one blames them for that but any mistake may spell extreme hardship or perhaps disaster for a particular veteran or someone dear to him. The Board of Veterans' Appeals or the Administrator of Veterans' Affairs should not have the last word. There should be some method of reviewing such decisions.

A bill to permit judicial review of decisions of the Administrator of Veterans' Affairs

Be it enacted, etc., That notwithstanding any other provision of law, any person aggrieved by any final decision of the Administrator of Veterans' Affairs (hereinafter referred to as the "Administrator") which has been rendered by the Board of Veterans' Appeals, may obtain a review thereof by filing a petition for review in the Court of Appeals

for the circuit in which the petitioner resides or in the Court of Appeals for the District of Columbia, within 90 days after the mailing of notice of the decision to the aggrieved party. A copy of such petition shall forthwith be served upon the Administrator. Within 15 days after the receipt of service, or within such additional time as the court may allow, the Administrator shall certify and file with the court a transcript of the record upon which the decision complained of was based. Upon the filing of such transcript the court shall have exclusive jurisdiction to review the decision, and to affirm, modify, or reverse it in whole or in part. The findings of the Administrator as to the facts, if supported by substantial evidence, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceedings before the Administrator, the court may order such additional evidence to be taken before the Administrator upon such terms and conditions as to the court may seem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken. He shall file with the court a transcript of the additional record, with his modified or new findings, which, if supported by substantial evidence, shall be conclusive, and his recommendation for the affirmation, modification, or reversal of the original decision. The judgment and decree of the court affirming, modifying or reversing, in whole or in part, any decision of the Administrator shall be final, except that it shall be subject to review by the Supreme Court of the United States as provided by Title 28, United States Code, section 1254.

Sec. 2. Notwithstanding any other provision of law, the court may determine and allow such reasonable fees as it may deem proper for services rendered by an attorney for any private party to the proceeding. Any person who charges or receives any compensation for such services except such compensation as may be allowed by the court, shall be punished by a fine of not more than \$500 or imprisonment for not more than 1 year, or both.

#### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. WOLVERTON. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce have until midnight tonight to file a report on H. R. 7125.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. WOLVERTON]?

There was no objection.

#### OUTSTANDING ITALO-AMERICAN CONTRIBUTIONS TO AMERICA

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, it was most pleasing to me to have word recently from Mr. Caesar L. Donnaruma, publisher of La Gazzetta del Massachusetts, that he would mark the 58th anniversary of the founding of this outstanding foreign-language newspaper

this year with a special issue, depicting the growth and progress of our great Italo-American segment of the New England people. This special edition will be issued next month.

This is a magnificent task in that this edition will mark the first time that the history, the traditions, the trials and tribulations, progress, and achievements of the honest, loyal, and patriotic American citizens of Italian descent will be readily accessible as a valued reference work for historians in the years to come.

This undertaking is a most difficult one, to be sure, requiring hours of editorial labors, intense research work, and a considerable financial outlay, but I am sure that Mr. Donnaruma's efforts will be crowned with the success for which *La Gazzetta* is so richly deserving in recognition of the splendid literary tradition it has established in keeping alive down through the years the language, the traditions, and the culture of an ancient people, a race which has contributed immeasurably and magnificently to America.

Also celebrating an anniversary this month is the *Italian News*, weekly Italo-American newspaper published in English and edited by my good friend, Frank Bucci.

He tells me that from its very first issue, the *Italian News* has striven toward one goal—that of promoting the highest cultural and civic interests of the Italo-American. Politically independent, the *News* serves no master other than honor, justice, integrity, and loyalty to the United States of America. These are the objectives of the *News*, Mr. Bucci states:

By enlarging the fund of knowledge of Italian affairs, and by widening the Italian horizon and viewpoint, the *News* endeavors to bring into close harmony the democratic ways of life of Italy and America.

The *News* has always stimulated Italian solidarity and Italian loyalty, while affording a medium wherein the Italian people can give expression to their charitable, social, and cultural enterprises and to their national life and institutions.

The *Italian News* in its 33 years of continuous publication has rendered outstanding service to our great Italo-American segment of the Massachusetts population and I am pleased to join with the many friends of this excellent weekly publication in extending all good wishes and congratulations to its staff and readers on the occasion of the 33d anniversary edition of this valued newspaper. I know that the *Italian News* in the years to come will continue to advance the noble cause of free speech and truth in the great editorial tradition which has marked its pages since founding of this newspaper. I wish for this spokesman of our Italo-American population every success and reward.

We are fortunate in having also in Massachusetts another great Italian newspaper, *La Notizia*, which is printed daily in Boston. *La Notizia* was established in 1916 and is now one of the

largest daily newspapers printed in Italy in this country, with a total circulation of about 30,000. Mr. G. N. Longarini, another good friend of mine, is the editor, who is carrying on in the great editorial tradition which has earned *La Notizia* a position of great influence in the Italo-American community of New England. Its work, as always, has been for the advancement and good of the Italo-American people in America.

The role of the foreign-language press in America has been vitally important to all our racial groups which make up the great melting pot of America. At the outset, these newspapers rendered wonderful contributions to America in making known to the new immigrant in his own language the strange ways of his adopted country. As time went on, these newspapers came upon bad times—dwindling advertising receipts as circulation dropped because the newer generations were not so familiar with the language of their fathers. Some found the road hard, indeed, and they were forced to suspend publication. Not so *La Gazzetta* because in its pages we find a blending of the old with the new—articles and news stories written in Italian and in English so that one complements the other. The newer generation can improve its knowledge of the mother tongue, while those readers of *La Gazzetta*, more at ease when Italian is used in the family circle, can become familiar with the intricacies of the English language.

Thus, *La Gazzetta* has adapted itself to the times. Thus, it continues to fill its function of informing, of entertaining, of helping the Italo-American people in the great editorial tradition which has marked this newspaper in its 58 years of literary history.

In *La Notizia*, *La Gazzetta*, the *Italian News*, and the other great Italian newspapers published in America, there has been recited the inspiring story of Italian immigrants who made their way through our New England cities, towns, and villages during the early years of this century. These were the youngest of our new immigrants, so typical of those who came to America seeking refuge, opportunity, and the chance to grow in a young country.

More often as not they came with few earthly possessions, but loving relatives and loyal friends who had come before them provided for their needs until they had found jobs and become used to this new land of opportunity. Here in America they found work, happiness, and the chance to raise their families under advantages of which they never before had dreamed. In less than a half century, the sons and daughters of humble Italian stock rose to places of leadership and great influence in the professions, in the public service, in the religious and business life, and in all the callings of the American people—so much so that they have made distinguished, outstanding contributions to the social, economic, and political institutions of our country.

In New York City at Columbia University where I received my degree in law, there stands the stately and beau-

tiful *La Casa Italiana*. Over its portal are the immortal lines of the poet Byron:

Italy, mother of arts, thy hand was once our guardian and it is still our guide.

Thus, we in America acknowledge the contributions of our citizens of Italian origin. They have helped to build our railroads, our bridges, our roads, and our cities.

Italian influence, capital, and energy have helped to build America to the industrial giant it is today among the nations of the world. Every schoolboy at an early age recognizes the Italian contribution to our American civilization for it was Cristoforo Colombo who discovered America, Giovanni Cabota who first explored its mainland, and Amerigo Vespucci who gave America its name.

That the Italians have taken a conspicuous part in maintaining our precious American freedoms and saving our cherished form of government no one can deny. The pages of American history glisten with the names of patriotism of such men as Filippo Mazzei, the friend of Thomas Jefferson; William Paca, signer of the Declaration of Independence, and many others.

It was Mazzei who wrote in the *Virginia Gazette* in 1774:

All men are by nature created free and independent . . . it is necessary that all men be equal to each other in natural rights.

This has been translated by Thomas Jefferson into the Declaration of Independence in the form of the immortal "all men are created equal."

The unexcelled patriotism of these great heroes of the American Revolution was reenacted by the Italians of each succeeding generation whenever our country was in danger. Italian names are on the rosters of all our wars and outstanding military and religious figures of Italian blood furnished inspiring leadership, gallantry, and devotion to every struggle from Bunker Hill, Gettysburg, Flanders Fields to Okinawa, the Bulge, Heartbreak Ridge, Sniper Ridge. Italian-American patriots have sacrificed their lives in every war to preserve America. Their precious blood has saturated the soil of many countries in the cause of American freedom.

Citizens of Italian origin have been in the vanguard of every fight America has made for liberty and freedom. More than 200 Italian officers served in the Civil War. About 750,000 men and women of Italian extraction served in the Armed Forces of the United States during World War I, reportedly the largest single racial group serving under our colors. An estimated 845,000 men and women of Italian-American descent were in the United States Armed Forces during World War II.

An Italian-American boy from our own Commonwealth of Massachusetts was awarded the Congressional Medal of Honor, the highest award a grateful Nation can bestow, for his heroic service in World War II. Sgt. Arthur F. DeFranzo, of Saugus, Mass., was killed in action in France on June 10, 1944. After rescuing a wounded comrade, although wounded himself, he gave his life to clear a blazing path through concentrated



enemy fire. His heroic action spared the lives of scores of his comrades.

This is the citation which accompanied the posthumous award of the Congressional Medal of Honor to Sergeant DeFranzo's bereaved family:

For conspicuous gallantry and intrepidity at the risk of his life, above and beyond the call of duty, on June 10, 1944, near Vaudabon, France. As scouts were advancing across an open field, the enemy suddenly opened fire with several machineguns and hit one of the men. Staff Sergeant DeFranzo courageously moved out in the open to the aid of the wounded scout and was himself wounded but brought the man to safety. Refusing aid, Staff Sergeant DeFranzo reentered the open field and led the advance upon the enemy. There were always at least two machineguns bringing unrelenting fire upon him, but Staff Sergeant DeFranzo kept going forward, firing into the enemy and 1 by 1 the enemy emplacements became silent. While advancing he was again wounded, but continued on until he was within 100 yards of the enemy position and even as he fell, he kept firing his rifle and waving his men forward. When his company came up behind him, Staff Sergeant DeFranzo, despite his many severe wounds, suddenly raised himself and once more moved forward in the lead of his men until he was again hit by enemy fire. In a final gesture of indomitable courage, he threw several grenades at the enemy machinegun position and completely destroyed the gun. In this action Staff Sergeant DeFranzo lost his life, but by bearing the brunt of the enemy fire in leading the attack, he prevented a delay in the assault which would have been of considerable benefit to the foe, and he made possible his company's advance with a minimum of casualties. The extraordinary heroism and magnificent devotion to duty displayed by Staff Sergeant DeFranzo was a great inspiration to all about him, and is in keeping with the highest traditions of the Armed Forces.

Italian contributions have not been confined to the military alone, though all Americans should take pride in the heroic accomplishments of such gallant men as Sergeant DeFranzo, especially when it is a known fact that 20 out of the 500 Congressional Medals of Honor in World War II were awarded to boys of Italian-American descent.

Our Italo-American citizens have influenced for the good practically every phase of American life. They have brought loyalty to America, loyalty to freedom and democracy, loyalty to American institutions, tolerance and justice toward their fellow man.

Here in Washington we are constantly reminded of the contributions of Italian Americans in the field of art because the Italian genius for the beautiful has found notable expression in the adornment of our National Capitol Building. Brumidi, perhaps, is the best known because he is called the Michelangelo of the Capitol, where he has left great artistic treasure as the famous Capitol frescoes Storia del America, Washington at Yorktown, L'Apoteosi de Washington, and Cincinnati all'aratro.

Amateis, another Italian craftsman, made the bronze doors of our Capitol. Franzoni designed and executed the bronze clock in the Capitol with the statue of Storia on its top. The emblematic eagle in the Capitol was sculptured by Valpert. The statue, Liberty Proclaiming Peace, is the work of Causici. The Pere Marquette statue in the United

States House of Representatives is the achievement of Trentanove. The listing of Italian masterpieces in our Capitol Building could go on and on. They are seen daily by many hundreds of Americans from all parts of the country who visit Washington.

The world owes a great debt to Italy, to her people, and to the descendants of the pioneer Italian immigrants to America. It is fitting that we recall the glowing tribute to this great race by my friend, former distinguished president of Columbia University, Dr. Nicholas Murray Butler, who once wrote:

The place of Italy in civilization is best shown by trying to subtract that place from world history. Take away her scientific accomplishments, her statesmanship, her leadership in the world for many years and what have you left? The world looks badly decapitated. You can subtract Italian culture from civilization only by destroying that civilization.

My own personal ties with the Italian people have been virtually lifelong and exceptionally close. In youth, many Italo-American boys, neighbors of mine in Clinton, were my playmates and pals. In my family circle were native-born Italians very closely associated with my father and uncles in their business and, of course, intimate personal friends. In college and law school, Italian boys were my constant associates and dear friends. In politics—well, I will put it this way—no people were closer, more helpful, more loyal, or inspiring than the Italian people. I am most indebted to them for their invaluable, warm, and faithful friendship which has indeed been one of the most satisfying features of my personal and public life.

In my Washington office is a fine, loyal, and efficient young lady of Italian descent who is a member of my staff. To top it all off, I have wound up with a fine Italo-American boy in my own immediate family married to my daughter.

So I can well say that the Italian people, their great qualities, their high ideals, firm loyalties, and close friendships have all been and are a very real and moving part of my life—priceless possessions indeed.

#### SPECIAL ORDER GRANTED

Mr. O'HARA of Illinois asked and was given permission to address the House today for 10 minutes, following the legislative program and any other special orders heretofore entered.

#### CALENDAR WEDNESDAY

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday this week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. HALLECK]?

There was no objection.

#### GEORGE WASHINGTON AND FREEDOM

The SPEAKER. Under previous order of the House, the gentleman from

Illinois [Mr. O'HARA] is recognized for 10 minutes.

Mr. O'HARA of Illinois. Mr. Speaker, I have just finished reading the Washington Birthday address of David L. Shillinglaw, past Illinois Department commander of the American Legion. It was delivered on February 22, 1954, in Chicago before the Advertising Men's Post of the Legion. Persons who were present have written me describing Mr. Shillinglaw's remarks as a truly great speech. Reading the speech, I agree with them. Of all the 1954 addresses on the occasion of the natal day of the Father of his Country I think it is the general appraisal of experts in that field that Mr. Shillinglaw's speech was one of the most outstanding, most likely to become a permanent part of the literature of Americana.

I am especially pleased because of the fact that Dave Shillinglaw is a constituent of mine. Moreover, he is a friend of many years of warm personal association, was department commander of the Legion at a period when I was very active as a participant in the worthy activities of that great organization. Dave Shillinglaw is a Republican, I think it is accurate to say a conservative Republican. Educated as a lawyer, he left the profession after a number of years of successful practice to head his own firm of investment bankers. In World War I he served with the Army in France. After the Armistice he was appointed a member of the American Army Board charged with the responsibility of liquidating all YMCA properties in Europe.

I am extending my remarks to include the full text of an address that merits the careful and thoughtful reading by all Americans. The address follows:

GEORGE WASHINGTON AND FREEDOM  
(Address by David L. Shillinglaw)

It is a very great pleasure to come and talk before you today. I owe much to Advertising Men's Post, for here I had a part in the early struggles of the Legion. It was a great experience; it gave me a chance to get acquainted with a host of real Legionnaires and real Americans—true to the principles upon which the Legion was founded. It is well to read our preamble once in a while and really think about what those principles mean.

I also wish to commend my successors for the good work they have done and are still doing. I always believed that the purpose of any organization in a democracy is to develop human personality, that the individual is the important unit in our democratic system. Another thing I want to say is that I am glad that the Legion is insisting upon the study of American history. America will continue great only if men continue to think in terms of the American tradition, guided by the thoughts and actions of the great leaders, one of whom I am to talk about today. The definition of history I favor is, "history is a narrative connected with real persons."

Let us briefly sketch Washington's life. He was born 222 years ago in Westmoreland County, Va., on the banks of the Potomac, son of Mary and Augustine Washington. Not far away is Mount Vernon where he lived and where he is buried. In that neighborhood was developed his patriotism, his courage, his honor, his spirit of justice, his faith in his fellow men, his virtue, his reverence for truth. The mode of living in

the countryside gave him strength and endurance. A surveyor at 16, he crossed the mountains, swam rivers, lived off of the country. At the same time he studied the terrain, drew maps, learned about the vegetation, forests, the soils, the minerals. Soon he joined the militia and at 19 was a major. At 21 the Governor of Virginia sent him on a mission into the wilderness. The next year he was with the militiamen at Fort Necessity. At 23 he saw service as an aide to the British General Braddock and in escaping at that disastrous retreat, 4 bullets were shot through his clothes and 2 horses were shot under him. His military leadership was recognized and he was then placed in charge of the frontier forces of Virginia. When the French and Indian War was over, Washington was 27 years old, able and mature. During the next few years at Mount Vernon he lived an active citizen's life as planter, and a member of the Virginia House of Burgesses. But not for long. That spirit of liberty born in Englishmen for over 6 centuries aroused the colonists to revolution and war is on. Washington has been made a delegate to the First Continental Congress. After the shots are fired at Concord and Lexington, Washington is made Commander in Chief of the Armies, and for a longer period than any other American in war, Washington carried the burdens of national leadership.

#### RETREAT AFTER RETREAT

Let us visualize those 8 years. It was retreat after retreat, unanswered requests for supplies, dissatisfied officers, short-time recruits, empty cartridge boxes, empty powder kegs, and empty stomachs, it was the great uncertainty before the fall of Fort Washington, the retreat across New Jersey, it was the rivers full of ice, it was soldiers without shelter or food, ragged uniforms, broken-down wagons, it was the frozen and bloody feet at Valley Forge, it was half rations, it was cattle and horses without forage, it was the betrayals, the jealousies, the suspicions, the pettiness, it was worthless money, it was the confusion in planning, divided authority, the uncertainty of leadership in battle, it was the disappointments at Brandywine, at Germantown, and at Morristown, it was the treason of Benedict Arnold, it was the thirst, the naked bodies, it was the hot summers and long, cold winters. How did the army survive and how did victory prevail? Washington had carried on with his patience, his courage, his faith, and his resolution. After it all there is victory and Washington is recognized as the deliverer of his country.

On the 19th day of April 1783, 8 years to a day after the Battles of Lexington and Concord, the making of peace was announced to the armies. Washington did not disband till he was sure peace was signed and attained—the careful Washington—would that others had learned that peace should be planned while a war is being won.

#### DECAY OF VIRTUE

To those of us who saw the rush for making money by some in the last two wars, there is the letter Washington wrote in May, just before Yorktown:

"It is a melancholy thing to see such a decay of public virtue and the fairest prospects overcast and clouded by a host of infamous harpies who to acquire a little pelf, would involve this great continent in inextinguishable ruin."

Talk about courage over failure. In all the years of the war up to Yorktown, Washington had transmitted to the Continental Congress only three successes: the occupation of Boston; the capture of the Hessians at Trenton; and, third, the retreat of Clinton from Morristown. It was his perseverance that brought us liberty and made us a nation.

But it is in the field of statesmanship that Washington also excels. No sooner had peace been signed than Washington remarked to

Hamilton, "No man can be more deeply impressed with the necessity of a reform in our confederation than myself \* \* \* for the defects thereof may be ascribed the prolongation of the war and consequently the expenses. We have a national character to establish. The probability, at least I fear it is, that local or State politics will interfere too much with that liberal and extensive plan of government which wisdom and foresight freed from the mist of prejudice would dictate."

#### CONSTITUTIONAL CONVENTION

It was but natural that Washington should be chosen President of the Constitutional Convention. There he had a chance to view the work of the intellectual giants of that time, serious, and patriotic. What they produced was the result of an evolution that had been going on for over 150 years. It was the result of their experience in the different colonies, and their fathers' and grandfathers' experience, which enabled them to write the Constitution with its checks and balances, and the immortal Bill of Rights, the first 10 amendments to the Constitution. Those amendments provide that there are certain rights which inhere to the individual so sacred, so natural, that nobody, no superior authority, not those in power, either executive or legislative, not even a majority of his fellow citizens may take these rights away from him. You know them and they are the things that assure to all of us our liberty under the Constitution.

#### FREEDOM OF INDIVIDUAL

We are talking about Washington and what happened over 160 years ago. But we only do it to revive and review our own patriotism. We want our own patriotism to remain and we want it to grow. We look at Washington's spirit and we know that is what made him a great man. Washington looked around him at the confusion of his time, saw what big issue was involved, listened to his conscience, then rallied around himself all the like-minded thinkers of his time. Working together, they made the greatest advance toward freedom of the individual. It began a new period in history for the development of man. What Washington and his associates did then affords a lesson to the present. As soldiers they were willing to die for a cause. As statesmen they were able to meet, see each other's point of view, and then to the best of their ability try to adjust the rights and privileges of every class to be considered. And it was on the basis that all men are created equal.

#### BIRTH OF A NEW ORDER

The men over whom Washington presided were brave, intelligent, blessed with rare genius and common sense. For ages men had been serving dictators and aristocrats and now a new society was to be born, where all men would have an equal chance and would not be thwarted by the sons of the wealthy and those favored by governmental power. These men remembered how their ancestors had been banished by czars, regimented by kaisers, crushed by feudalism, crowded into stifling ghettos, and crucified upon the cross of religious persecution. These men wished to preserve the right to work, the right to earn, the right to build, the right to worship in a chapel, a synagogue, or a cathedral, the right to speak, the right to read what they pleased, the right to write without coercion, the right to seek a living in any way they chose, the right to criticize government, it shall be a government of laws and not of men.

Washington was willing to risk his life because he hated despotism. Were he living today he would hate communism, which believes that men can be best ruled by lying and deceit, by appeals to hatred, suspicion, and fear; by the destruction of religious beliefs, and by the absence of moral obliga-

tion. Such a philosophy is repugnant to all of Washington's beliefs.

#### FREEDOM SOMETHING TO USE

What was the motive that prompted Washington and his associates to carry on an exhausting struggle at great hardship to themselves? What has been the motive that has prompted our ancestors to fight in all their wars? Why did we send our ships to the Mediterranean to fight the pirates? Why did we give fight to France in the naval war of 1798? Why did Adams say, "Millions for defense, but not a cent for tribute"? Why did we go to war in 1812? What gave vent to our feelings in 1848? Why was Lincoln able to rally the North to the terrible war between the States? Why did the people respond when McKinley intervened in the Cuban War? Why did we forsake our traditional isolationism and follow Wilson to make the world safe for democracy? Why did the American people give so much in lives and money to the Second World War? Were they materialistic wars or was there within our beings the spirit of the Declaration of Independence, that driving emotion that makes one's heart swell when he sees the Statue of Liberty?

It wasn't power, it wasn't selfishness, it wasn't materialism. No, Americans have always responded to the same call that the minutemen heard when fighting at Concord and Lexington—the call of freedom. Since that great day they have never failed to see that the development of personality in man can only go forward in an atmosphere that will let him express his thoughts and his ideals.

Freedom is a thing to use, not to save. Washington and his associates had the genius of establishing and enjoying liberty while they were in the midst of the Revolutionary struggle. What about the freedom they gave? Are we rather careless about it? Are we defending it?

#### FREEDOM AND CONFUSION

The other day I picked up one of our newspapers and there were six articles on either questions of freedom, acts in restraint of freedom, or comments by writers on freedom at the present time. You know what Washington and Franklin would have said about the burning of books. Evidently men in our time have confused the blaze of burning books with the light from the torch of liberty.

In their time Washington and his associates in their search for security did not act in such a way as to endanger the institutions they were trying to protect. They had read the history of ancient states and how they fell. Like ourselves Rome had soldiers all over the world and was prosperous. When outside dangerous pressures came to their empire they started to blame each other. Heads began to fall. Men got to making accusations against one another, without any evidence to support these accusations. Rome became a suspicious state and fell. Washington knew that.

#### HOW HE HANDLED RUMORS

How did Washington act in cases of rumor? After Arnold's commission of treason, informers got busy to tear down the character of other men. Washington was anxious that suspicions should not be indulged. When he heard from the Board of War that a notorious informer had alleged that Robert Howe, one of his able officers, was in British pay he protested, "It will be the policy of the enemy to distract us as much as possible by sowing jealousy, and if we swallow the bait, no character will be safe, there will be nothing but mutual distrust."

Our forefathers knew there could be legislative despotism as well as by an individual and groups. And so when establishing the Constitution, at a time when England was our enemy at the north, Spain at the south, and France unfriendly, they put in a clause



that even in the case of treason no man was to be convicted except by two witnesses to the overt act. Let's not permit any person or any committee to give a rattle of fear and make us neglect our liberties and the rights of men. Let's listen to our true patriots and not to patrioteers.

Now don't think that I am opposed to our Government taking strict measures against traitors. We all hate communism and all it stands for. Why anyone should forsake our way of life and embrace communism is beyond our comprehension. The FBI is an important institution in our Government. Counter espionage is absolutely necessary. Persons who are dealing with projects where information is available that might be given to foreigners or our enemies should be carefully screened. That form of action is necessary to protect our country so that we may survive. But let's protect our own institutions. You cannot preserve liberty by suppressing it; you cannot suppress communism by practicing it.

#### FEAR STIMULATES EVIL

I quote a phrase from Lord Grey, Foreign Minister of Great Britain at the time England entered the First World War, "Fear stimulates all that is evil and depresses all that is good." There is fear in the world today and especially in the United States. We have had many dangers before and our energies were applied at once to get rid of them. Remember Washington in danger; like him, we have to exert patience.

There are people in America in high places who have been exerting pressures which would lead one to believe that to be Americans one must conform to their ideas. They would leave no place for free inquiry. Our Government was established to do away with conformity. Conformity has no place in a democracy. A challenge to ideas is necessary for progress. A man in America is able to read leftist papers as well as papers to the right and then evaluate them in the light of his experience.

#### FLIGHT FROM CONFORMITY

Our forefathers had seen enough of conformity in the systems they left to come to America and establish freedom. They wanted neither religious conformity, political conformity, nor economic conformity. Truth, yes; progress, yes. Franklin saw some writings which expressed the freedom idea in words and he called them commonsense. When our early settlers came to America to get away from religious persecution, whether they were the Puritans from England, the Huguenots from France, or the Catholics under Lord Baltimore, they wanted a place to live in a region of tolerance where no man or any group of men would even claim to have a monopoly on God's ideas. As for political tolerance, Lincoln expressed the idea best by saying, "We have a Government of the people, by the people, and for the people." Washington and Lincoln with a patience unsurpassed knew that the ideas of all must be considered if our Republic should live. As for economic conformity, every man who works in America today can make himself heard.

Conformity—think of the evil that has been done in the history of the world by those who thought they had the only answer. It has reached its heights in the actions of Hitler, Mussolini, and Stalin. Washington knew we would always have our little Hitlers, our little Mussolinis, our little Stalins.

#### NOT AFRAID OF IDEAS

What our forefathers taught us we still practice. When we witnessed the burning of books in the 20th century, even one book, we knew the action belonged to the Middle Ages, not now. We will not permit any man in Washington, any governmental committee to tell us what we shall read or what we shall say. If that happened, then some

of them would want to tell us what we should think. Like Washington and his associates we are not afraid of ideas and people who will not conform.

We are for free inquiry, more knowledge, and new ideas. For example, our foreign policy should be decided by the people. Are we to have that foreign policy decided by passion, prejudice, and ignorance, or by knowledge, intelligence, and courage? Our system is based upon faith in our fellow men. If some minister gets communistic, we can be pretty sure that his congregation will take care of the situation. Fear has no place in American thinking, not if we are following in the footsteps of Washington. Washington could agree with Benjamin Franklin when he said, "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

#### GOAL OF BRAVE MEN

Our ideas and ideals won't prevail unless we practice them, and we must be willing to practice them in an atmosphere of danger as well as an atmosphere of calm. Freedom is not something for fuzzy thinking; it is the goal of brave, courageous, and intelligent men. The Statue of Liberty wasn't raised in New York Harbor as a symbol of a soft people to be monopolized by patrioteers. Permit that to happen and freedom would not be real.

Are we going to protect the freedom that Washington and his patriots gave us? You probably remember an expression I used in the first talk I made after I was made State commander of the American Legion. It was this: "Speaking about the Communists and similar groups, it is not the insurrection of the ignorant and the subversive that we have to fear so much as the laziness and indifference of the intelligent." Montesquieu wrote "the tyranny of a prince in an oligarchy is not so dangerous to the public welfare as the apathy of a citizen in a democracy."

Lincoln said, "If destruction be our lot, we must ourselves be its author and publisher." Washington came forth with this phrase: "When a people shall have become incapable of governing themselves and fit for a master, it is of little consequence from what quarter he comes."

#### AN HYSTERIA OF FEAR

A democracy can only live by the voluntary efforts of its citizenry. A muscle can only grow strong by resistances. If it is not used, it will wither away. Are our children being taught to give or to get? Our forefathers would have been filled with righteous indignation if only one citizen's rights were abused. If a single man's rights are flaunted today, we should all get excited. Are we so afraid of the ideas of others that we cannot combat them with our own; are we only able to meet our enemy with guns and not with our brains? Do we not have faith in our own system? We Americans say we have faith in God, faith in justice, faith in freedom. Lately some men have acted like they had faith in none of the three; in fact, they have acted like they would abandon all under an hysteria of fear.

In 1925 Chief Justice Hughes, remarking about the growth of intolerance, said: "Especially should we be on guard against varieties of a false Americanism which professes to maintain American institutions, while de-throning American ideals. The interests of liberty are particularly those of individuals and hence of minorities, and freedom is in danger of being slain at her own altars if the passion for uniformity and control of opinions gathers head."

That was when we had activities of the patrioteers and superpatriots of the early twenties, the Palmer raids, the Ku Klux Klan, the coercion of liberal schoolteachers. The Soviet danger wasn't feared then. Now the Soviet power with its Communist subversion at home is a real menace. Naturally

we Americans have a real concern as to the dangers involved. We do have a problem in trying to prevent espionage and infiltration by the Soviet Government without curbing or compromising our civil liberties in the process. We have to keep our heads in these times.

#### VOICE OF BURKE

During our colonial troubles the voice of Burke came over the waters saying, "I never mean to put any colonist, or any human creature, in a situation not becoming a free-man." Patrioteers are always interested in continual agitation. After every war something assuring stability is absolutely essential in order that among so much passion, hysteria, and fear, a person may balance his thoughts, control his conduct, and not be swayed by untruths or unjust accusations. Fortunately in every period of our history the American people have been able to weigh opinions with truth and reason, that finally the best will prevail.

A wealthy man told me the other day that we are in danger of communism. What is communism doing to us? Are they controlling our thinking or are we controlling our own? There is no sight so terrible as seeing a person frozen in the face of danger. Fear grips the muscles. That person is generally weak. Are we frightened of something? A nation never gained anything through fear. Great Britain has lived with the Russian problem for 300 years.

#### CONTROL OF MEN'S MINDS

Some of you may say that I show too much concern. I believe God gave us our minds to be free. I also believe that complete justice can never be attained by any constitution or any law—it can only come through the intelligent action of individuals. We have seen too much in our time in the struggle by leaders to control men's minds, and there have been dangerous symptoms in our own country. For 900 years the freedom that we know has been on the march. The heavy trail of blood we can all visualize has cost too much for us not to be concerned and alarmed. We dare not let the clock be turned back.

When very young I used to hear men discuss public questions around the cracker barrel of an old general merchandise store. Occasionally a man expressed rather crazy ideas. They wouldn't recognize his ideas, nor did they fear him. They had faith in one another, and they had faith in America. When their crops failed, they didn't say America was going communistic; and when someone had a liberal position to express, they didn't call him a Communist. They listened to him, weighed what he had to say, and if they didn't like what he had to say they told him so. They didn't like demagogic thinking, nor did they like demagogic acting. Neither did George Washington. He knew the character of a man determined his purposes. Washington wanted all men to be secure in their liberties.

#### PATIENCE OF WASHINGTON

The Revolution succeeded because he lived. He was fair, patient, and had a true balance in the proportion of things that gives a few like him wisdom. Many trying events must have tempted him to leave the course of liberty and freedom. Citizen Genet, of France, who represented a country where heads were falling as never before at the nod of revolutionary leaders, probably violated our sovereignty more than the representative sent to our shore by any government. He had the cooperation of many of our citizens. Yet in Washington's patience and by his faith in his fellow Americans there were no suspicious actions taken. Also, during his life Washington saw the alien and sedition laws passed. They were against freedom and have taught political leaders that freedom knows no party; and whenever any party in

America for long tolerates the abuse of freedom, such party would fall, never to rise again.

#### CHALLENGE TO CITIZENS

As followers of Washington, shall we fail? We do 40 percent of the work of the world and have more of the material things in this life than the people of any other Nation. Our system has had something to do with this. Did you ever hear any American, after traveling the world, tell you of a better country in which to live?

Yet something has happened. There is confusion. Not only have we the foreign problem but the internal one. America is no longer invigorated by the speculative excitement of a moving frontier. We have new frontiers of social, political, and scientific advancement. The superemotional, the wishful thinkers, the patrioteers do not recognize the latter fact.

Now each citizen must take his stand and determine what he purposes to give to the state and what he purposes to fight for as essential to his spiritual and physical well-being. If every citizen who loves freedom and also seeks freedom were willing to do his share of citizenship responsibility, we would smother subversives, we would roll back all of our enemies, we would not only increase our phenomenal material life, but we would create such an atmosphere for creative ideas that all past eras of mental and cultural advances would be insignificant to what we would bring forth.

Washington retired after his farewell address. He believed that holding the office longer would do harm to himself and to the Nation. Of what did he think? Did he think that human nature would not change, that oftentimes men would apportion the spoils of office for themselves? Did he think that another great war would be fought in great prosperity with the spending of great sums and many lives, led by men who thought only of winning the war and not planning for the peace? He still thought of freedom and when writing about slavery he thought that if the meanest man in the world is deprived of his rights, then every man is deprived of his rights. That is the only kind of patriotism by which public-spirited men and women with a thoroughly aroused conscience can be guided to worthily serve the republic.

#### NATION OF SOVEREIGNS

Years ago a French writer, Laboulaye, put the following words into the mouth of an American character, "We are a nation of sovereigns, and everything that weakens the individual tends towards demagoguery. A free country is a country where each citizen is master of his conscience, his person and his goods. If the day ever comes when individual rights are swallowed up by those of the general interest, that day will see the end of Washington's handiwork; we will be a mob and we will have a master." Great leaders have said of Washington, "He changed man's ideas of political greatness." "He was the greatest of good men, and the best of the great men." "The voice of praise would be a vain endeavor to exalt a name unrivaled in the lists of true glory." "He demonstrated his love of country by deeds." "He was first in war, first in peace, and first in the hearts of his countrymen."

#### I CALCULATE HE IS

When I was a boy on the farm, one cold raw February day, our neighbor, John Simpson, came by driving his bobsled. He did the threshing for all our countryside, and when driving by always stopped. We boys would run out to get the neighborhood gossip and now and then a word of wisdom. As he was about to drive on I mentioned that it was Washington's Birthday. He complimented me upon my alertness. Then, as he lifted the reins of his horses to drive on, he turned toward me and exclaimed, "I calculate he is our greatest American." I calculate he is.

To preserve rational individualism, and not give way to a philosophy of dependency, and the promotion of the cult of the incompetent, is going to take stamina. We of the Legion have a pledge in our preamble to "safeguard and transmit to posterity the principles of justice, freedom, and democracy." If human rights are going to be preserved today, some of us must be obstinate. Let's keep the essentials of personal freedom. For liberty, like the signers of the Declaration of Independence, let us pledge our lives, our fortunes, and our sacred honor. Washington and millions of others fought to preserve freedom. Let us have the guts to defend it.

#### EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the RECORD, or to revise and extend remarks was granted to:

Mrs. FRANCES P. BOLTON.

Mr. MCGREGOR

Mr. SAYLOR.

Mr. DODD.

#### ADJOURNMENT

Mr. HALLECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 54 minutes p. m.) the House adjourned until tomorrow, Wednesday, March 24, 1954, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1381. A letter from the Secretary of the Army, transmitting a draft of proposed legislation entitled "A bill to amend section 201 (e) of the Career Compensation Act of 1949, as amended, to provide for advance payments of certain pay and allowances of members of the uniformed services, and for other purposes"; to the Committee on Armed Services.

1382. A letter from the Attorney General, transmitting a draft of proposed legislation entitled "A bill to amend section 3 of the act of January 2, 1951, prohibiting the transportation of gambling devices in interstate and foreign commerce"; to the Committee on Interstate and Foreign Commerce.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALE: Committee on Interstate and Foreign Commerce. H. R. 6870. A bill to amend the act of February 13, 1900 (31 Stat. 28), by approving existing railway installations and authorizing further railway installations on the battle in front of the Public Health Service hospital property in New Orleans, La.; with amendment (Rept. No. 1382). Referred to the Committee of the Whole House on the State of the Union.

Mr. AREND: Committee on Armed Services. H. R. 6374. A bill to revise certain laws relating to warrant officers of the Army, Navy, Air Force, Marine Corps, and Coast Guard, and for other purposes; with amendment (Rept. No. 1383). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCONNELL: Committee on Education and Labor. H. R. 7601. A bill to provide for a White House Conference on Education;

with amendment (Rept. No. 1384). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPRINGER: Committee on Interstate and Foreign Commerce. H. R. 7125. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to residues of pesticide chemicals in or on raw agricultural commodities; with amendment (Rept. No. 1385). Referred to the Committee of the Whole House on the State of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCCONNELL: Committee on Education and Labor. H. R. 4496. A bill to authorize and direct the conveyance of certain lands to the Board of Education of Prince Georges County, Upper Marlboro, Md., so as to permit the construction of public educational facilities urgently required as a result of increased defense and other essential Federal activities in the District of Columbia and its environs; with amendment (Rept. No. 1381). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOLLIVER:

H. R. 8513. A bill to extend rural mail delivery service; to the Committee on Post Office and Civil Service.

By Mr. EDMONDSON:

H. R. 8514. A bill to provide for the sale of certain lands in Haskell County, Okla.; to the Committee on Interior and Insular Affairs.

By Mr. KEATING:

H. R. 8515. A bill to permit judicial review of decisions of the Administrator of Veterans' Affairs; to the Committee on the Judiciary.

By Mr. LONG:

H. R. 8516. A bill to increase and make more uniform certain rates of veterans' disability compensation; to the Committee on Veterans' Affairs.

H. R. 8517. A bill to increase rates of pension payable to certain veterans; to the Committee on Veterans' Affairs.

H. R. 8518. A bill to increase the statutory rates of compensation provided for specific service-incurred disabilities; to the Committee on Veterans' Affairs.

By Mr. MAHON:

H. R. 8519. A bill making an appropriation to finance the cost of an investigation of the feasibility of developing surplus water in the Missouri River Basin for use in Texas; to the Committee on Appropriations.

By Mr. MILLER of Nebraska:

H. R. 8520. A bill to provide for construction by the Secretary of the Interior of the Ainsworth, Lavaca Flats, Mirage Flats extension, and O'Neill irrigation developments as units of the Missouri River Basin project; to the Committee on Interior and Insular Affairs.

By Mr. MULTER:

H. R. 8521. A bill to allow States to require that out-of-State motor vehicles and the operators thereof comply with certain minimum requirements relating to licensing, inspections, and insurance while within their borders, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. POFF:

H. R. 8522. A bill to amend the Railroad Retirement Act of 1937, as amended; to the Committee on Interstate and Foreign Commerce.



By Mrs. SULLIVAN:

H. R. 8523. A bill to offset declining employment by providing for Federal assistance to States and local governments in projects of construction, alteration, expansion, or repair of public facilities and improvements; to the Committee on Public Works.

By Mr. HAGEN of California:

H. R. 8526. A bill to extend the period during which veterans may apply for and receive education and training under the Veterans' Readjustment Assistance Act of 1952; to the Committee on Veterans' Affairs.

By Mr. TEAGUE:

H. R. 8527. A bill to amend the period during which veterans may apply for and receive

education and training under the Veterans' Readjustment Assistance Act of 1952; to the Committee on Veterans' Affairs.

By Mr. LAIRD:

H. J. Res. 479. Joint resolution amending the joint resolution of June 22, 1942, with respect to the pledge of allegiance to the flag; to the Committee on the Judiciary.

By Mr. METCALF:

H. Con. Res. 220. Concurrent resolution providing that any identifiable group of American Indians shall be given the opportunity to participate in the drafting of any proposed legislation which concerns them; to the Committee on Interior and Insular Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FENTON:

H. R. 8524. A bill for the relief of Mrs. Fumiko Hiraishi Witman; to the Committee on the Judiciary.

By Mr. KING of California:

H. R. 8525. A bill for the relief of Mrs. Rose Hannah Cox Fransone (nee Garbutt) and her minor child, Heleene Garbutt; to the Committee on the Judiciary.

## EXTENSIONS OF REMARKS

### Communist Propaganda and the St. Lawrence Seaway

#### EXTENSION OF REMARKS

OF

### HON. FRANCES P. BOLTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1954

Mrs. FRANCES P. BOLTON. Mr. Speaker, we finally have the last word on the St. Lawrence Seaway. *Izvestia*, official organ of the Communist Party in Moscow, is against it. They consider it a part of an overall plot by Wall Street to control the Canadian economy.

In the issue of February 9, an extensive article appeared by one A. Mileikovsky, entitled, "American Continental Strategy and Canada." Under the guise of continental strategy, we are told in this characteristic outpouring of vituperation, the American monopolists are plotting the domination of Canada through the establishment of air bases, the exploitation of Canadian strategic raw materials, and the development of a continental transport system through the construction of the St. Lawrence Seaway. The American monopolists, and I quote:

Are intensifying the struggle for the raw material resources of Canada. As was to be expected, the new onslaught of the American monopolies on Canada is explained by demands of the notorious continental strategy.

To prove this point, Comrade Mileikovsky quotes from President Eisenhower's state of the Union message of January 7:

In speaking of the formation on United States territory of a modern mobilization base—

He says—

the President said that the continental transport system, which also encompasses the territory of Canada, is part of this base. We are acquiring in even greater degree—

Said Eisenhower—

certain raw materials from Canada which are most important to us. Ever more indissoluble bonds of strategic interdependence are turning up in our relations with Canada. Now both countries are in need of a water route on the St. Lawrence River both for security reasons and for economic con-

siderations. I urge Congress rapidly to approve our participation in this construction.

Mr. Mileikovsky asserts:

As we see, the full coincidence of strategic considerations with the economic interests of the American monopolies is emphasized in the above-mentioned statement.

Further down he reiterates that the American monopolists "intend to draw strategic raw materials from Canada on an increasing scale," and concedes that—

The waterway on the St. Lawrence River is called upon to insure the possibility for cheap transport from Canada to the United States of America of iron ore and other minerals in which the regions surrounding the basin of this river are especially rich.

This bright Communist geopolitician then goes on to say that—

American naval vessels could go through Canadian territory to the ports of the Great Lakes. It is easy to understand what will be the consequences of this strategic interdependence for Canada when, in addition to the American military bases located on the north and east of the country, vessels of the United States Navy will exercise defense functions along its southern border for a distance of almost 2,000 kilometers.

The Russians, therefore, feel that the Canadian and American people and their Governments must be pretty dense not to see the nefarious character of this mobilization program. Both Governments and the majority of people on both sides are in favor of proceeding with the St. Lawrence Seaway on one basis or another. In fact, the official position of the Canadian Government and much of public opinion in Canada favor United States participation, although the Canadians are prepared to go ahead on their own if we do not join in the enterprise. On February 13 the *Financial Post* of Toronto ran one of their usual weekly questionnaires on the question: "If United States Congress now approves the St. Lawrence Seaway should Canada cooperate or still go ahead with plans to build it alone?"

In summarizing the results of this questionnaire, the *Post* stated:

Cooperation with United States in the seaway project if Congress now approves the plan gets the overwhelming vote from respondents to this week's question by the *Post*. Generally, the majority view is that to go it alone now if Congress demonstrates it really means business would be an undesirable gesture. Against this is the view

that Canada's own needs demand that we delay no longer in getting the project under way.

The newspaper asserts that—

This endorsement of a cooperative operative operation is not without qualification, however. Several respondents suspect that there may be sleepers in the new United States suggestions for cooperation.

The most representative reply, all of which are printed in this issue of the *Financial Post*, is that of A. L. Davies, publisher, *Wig-Standard*, Kingston. He said:

If the United States Government can assure the Canadian Government that it wishes to cooperate in building the seaway and that it can proceed with the task without further delay, then I believe Canada should welcome United States cooperation. If, however, the United States Government can give no such assurance, I believe Canada should proceed on her own.

On March 15, the Secretary of State for External Affairs of the Canadian Government, Hon. Lester B. Pearson, stated before the National Press Club that the Canadian Government prefers a joint undertaking, although they are prepared to proceed alone if necessary. This is what he said:

The policy of the Canadian Government remains, and is agreed to by all members of the Government, of course, we would prefer to have the seaway part of it done internationally. This seems to us to be the kind of thing that should be done by the two countries working together. However, if that cannot be done, then we are now prepared to go ahead with the navigation part on a national basis. We should be very happy to do it that way if we can't do it the other way.

Mr. Speaker, *Izvestia* is once again using another obvious technique of Russian communism to drive a wedge between friendly free nations—in this case, between the United States and our good neighbor to the north whose 4,000-mile border has not been fortified in more than a century. If it is in the military interests of Russia to show distrust between these two friendly countries and to bring about a lack of cooperation in this great enterprise, surely it is in the interest of this country to proceed with it forthwith; as we are advised to do by the National Security Council, the Joint Chiefs of Staff, and the Commander in Chief and President of the United States.

## Promises Are Being Kept

### EXTENSION OF REMARKS

OF

**HON. J. HARRY MCGREGOR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 23, 1954*

Mr. MCGREGOR. Mr. Speaker, for the first time in more than 70 years a complete codification and revision of the Internal Revenue Code was passed by the House of Representatives. Savings to American taxpayers as a result of this measure, if it also passes the Senate, will amount to \$1,300,000,000. Of this savings, \$778 million is for individuals and the remainder, \$612 million, is tax relief for business.

Space does not permit a complete review of the bill. It should be pointed out, however, that corporation taxes, originally scheduled by former Congresses to be reduced to 47 percent on April 1, are to be continued at the rate of 52 percent for another year, thus making it possible to reduce many personal taxes for the average person. Such matters as permitting additional deductions for medical expenses; allowing a \$600 exemption to a widow or widower to pay for the care of children while the wage earner is employed; granting parents the right to a \$600 exemption for an employed child under 18 and students over 18 so long as the parents provide 50 percent or more for the support of the child, giving foster children the same exemptions as blood related or legally adopted children; exempting the first \$1,200 of income of retired school teachers and public employees; and a host of other good and helpful provisions—all designed to correct inequities and benefit the average person.

The approval of the section easing taxes on retirement income credit means a saving of \$125 million to all retired people, including school teachers, firemen, policemen, and civil servants. This allows them to exempt \$1,200 of retirement income.

Also of much interest to me was approval of the section giving aid to farmers to the tune of about \$10 million annually. The bill allows deductions up to 25 percent of farm income allowed for soil- and water-conservation expense. Another important saving will come to those who are entitled to include depreciation of machinery, including farm equipment, in their income-tax reports. This will mean a saving to individuals of about \$75 million.

#### CREDIT WHERE CREDIT IS DUE

Since the Eisenhower administration took over, the total tax-cut program has brought savings to American taxpayers \$7,300,000,000. Of this amount, individuals received an overall tax saving of \$4,700,000,000. The tax savings surpass any previous total in the history of Congress.

#### EXCISE TAXES

The excise-tax-reduction bill passed by the House on March 10 saves tax-

payors an additional \$912 million annually. Under this bill as approved by the House the savings to the people in the several categories are estimated as follows:

Item	Former rate	New rate	Savings
	Per-cent	Per-cent	Mil-lions
Telephone, telegraph, etc.	25-15	10	\$360
Transportation of people	15	10	95
Admissions	20	10	175
Club dues, initiation fees	20	10	19
Furs	20	10	20
Jewelry	20	10	100
Luggage—hand bags	20	10	40
Cosmetics	20	10	55
Sporting goods	15	10	3
Mechanical pens, pencils, and lighters	15	10	4
Electric light bulbs	20	10	20
Cameras, films, etc.	20	10	15
Pistols, firearms, ammunition	11	10	1
Leases of safety deposit boxes	20	10	5
Total savings to taxpayers			912

Yes; the Eisenhower administration is hewing closely to its pledge to the American people. There is economy in government and there will be more. The irresponsible "tax and spend, spend and tax" days are gone. We are on the road to solvency again.

## Amending the Refugee Act of 1953

### EXTENSION OF REMARKS

OF

**HON. THOMAS J. DODD**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 23, 1954*

Mr. DODD. Mr. Speaker, the Senate Judiciary Committee is considering H. R. 8193, which the House of Representatives adopted unanimously on March 15. This bill amends the Refugee Relief Act of 1953 by making available unused quotas allotted for Italian, Greek, and Dutch refugees to those who qualify as relatives under the act. For the security of the free world and for the good of the United States, it is my devout hope that the Senate will take prompt action toward enacting this legislation.

Here, within the framework of existing legislation, without adding a single new immigrant to the number approved in 1953, we can relieve distress in three countries which American policy regards as our outposts against the Communist peril.

It is noteworthy that Greece was the first European nation against which the Communists turned their armed might after World War II—and it was here that the United States first demonstrated its intent to halt Communist expansion. Greek heroism, supported by American arms, defeated communism—but the fight goes on, and this valiant friend must be aided.

The Dutch likewise stand bravely with us. It is to our common interest to use this effective means of helping the admission of those who qualify as relatives under the terms of the 1953 act.

Thoughtful Americans know the grave situation that confronts the free world in Italy. Red tyranny has marked these people, who contributed so much to the glory of the West and to all civilization, as the next victims of communism.

I feel that the Italians will defeat the Communists—but I feel the victory will be won only if America continues to support the cause of free men. The bill which we sent to the Senate last week is an admirable device to help Italians, to remind them of our friendship for them, and still maintains the total quotas established under the 1953 legislation.

I call to the attention of the House an unusual series of articles which appeared in the New York Times, March 15-19, by C. L. Sulzberger. The articles sharply summarized the situation in Italy. The opening sentences of the first of these articles state the central facts:

Communism's most direct assault on the free world west of the Iron Curtain is being made in Italy.

Italian inexperience with democracy, economic imbalance, and individual regional traditions are being exploited by a brilliantly organized Communist Party to threaten the existence of parliamentary institutions.

Nevertheless, it appears highly unlikely that communism, despite many favorable circumstances, including a disrupted opposition, will be able to gain control of Italy, at least as long as the United States adheres to its policy of shoring up the free lands of Europe.

I want to underline that conclusion: Communism will not gain control as long as we continue our policy of supporting Italy.

The bill before the Senate is as effective a means as I know to support, to shore up our friends in Europe. I hope that it will become law with all possible speed.

## The People's Turn

### EXTENSION OF REMARKS

OF

**HON. JOHN P. SAYLOR**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 23, 1954*

Mr. SAYLOR. Mr. Speaker, last year Congress was asked to extend the Trade Agreements Act for 1 year in order that the Nation's entire foreign trade policy might be studied and appraised. That extension was granted despite the fact that thousands of Americans had lost their jobs as a result of the great influx of cheap foreign products.

It has been a dismal year for those thousands and for the many more who have been added to the lists of the unemployed in the intervening months. Yet they carried on in the typical American spirit, with a courage born of hardship itself, and through the grace of God. Some, however, were forced to accept various types of Government and State relief, the charity of their relatives and neighbors. But each day, each week, each month those people have looked forward to the time when they would once again be given their freedom to work—a freedom that cannot be



theirs until the rising flow of imported goods is checked.

The principal difficulty has been the growth of a philosophy, instituted some two decades ago, which endangers the entire economic structure of this country. That policy had become so firmly implanted that it cannot be easily overcome in a short space of time. The planned deterioration of American industry and American wage standards began when carefully-placed individuals in important positions in the State Department succeeded in making those offices a veritable infiltration plant for Soviet intrigue. At the same time a horde of State Department dandies—looking like adult Lord Fauntleroy's bound for an international cotillion—would hopscotch from one conference to another searching for representatives of other countries ready and willing to accept handouts, either in cash or in the form of trade concessions. The years of this destructive influence cannot quickly be redeemed, but it is obligatory upon Members of Congress to make no more concessions in the interest of the international movement so long as the livelihood of American families is in jeopardy.

The administration's new recommendations on foreign trade policy give our people an opportunity to learn what we in Congress have long realized: if American industry and labor are to be protected from unbridled trade practices which are destroying precious segments of the economy that protection must come from the elected representatives of the people. Government bureaus responsible for tariffs and quotas are on record against any protection whatsoever for the coal industry.

The President appointed a commission to make a fair study of the entire foreign trade policy, and he anticipated that the American people would receive at least the same consideration given other peoples of the world. That commission, however, happened to be loaded with officials and investors in companies up to their corporate ears in foreign financial entanglements, so the interests of the American workmen were destined from the start to be disregarded lest profits from alien holdings be endangered. These members of the commission arrived at their own conclusions long before the investigation began, and they refused to give a hearing to representatives of coal and other industries

severely damaged by the impact of excessive imports.

Mr. Speaker, it is the people's turn this year. In 1953, the wallings of international cartels and foreign diplomats were once again given precedence in our trade program. Now our people must be given an opportunity to rebuild their own economy, and that opportunity cannot be realized unless we provide adequate safeguards against commodities produced in lands where wages are only a small proportion of those established in the United States.

This creation by the freetraders has caused and is continuing to cause a hardship on employment and capital in my district and the Nation. It has silenced the production lines in our coal mines, our glass plants, and other enterprises. It has stilled the wheels of great fleets of rolling stocks that would otherwise be utilized to carry the output of our labors to market. It has impounded related business activity in many industries of our great Nation.

The product of freetraders thrives on cheap foreign goods unloaded on our docks. Let us not delay in driving it from our land for the sake of the welfare of our own people.

## SENATE

WEDNESDAY, MARCH 24, 1954

(Legislative day of Monday, March 1, 1954)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God our Father, we would make our hearts, cleansed by Thy forgiving grace, a temple of Thy presence knowing that only to the pure dost Thou grant the vision of Thy face. We come asking not that Thou would give heed to the faltering petitions our lips frame, for we may ask amiss, but that Thou wilt bend Thine ear to the crying of our deep need. Grant us the grace of hospitality to the highest. We bring to the altar of prayer our inmost selves, cluttered and confused, where good and evil, the petty and the great are so entwined. May the eternal immensities shame our little thoughts and ways. May the vision of what we might be convict us of what we are. In this great day of world crisis and destiny may we not miss the things belonging to our peace and to the peace of the world. Amen.

### THE JOURNAL

On request of Mr. SALTONSTALL and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, March 23, 1954, was dispensed with.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, announced that the House had

agreed to a concurrent resolution (H. Con. Res. 214) expressing the sense of Congress that the Sanitary Engineering Center, Cincinnati, Ohio, should be known as the "Robert A. Taft Sanitary Engineering Center," in which it requested the concurrence of the Senate.

### LEAVE OF ABSENCE

On request of Mr. SALTONSTALL, and by unanimous consent, Mr. KNOWLAND was excused from attendance on the session of the Senate today, because of illness in his family.

### CALL OF THE ROLL

Mr. SALTONSTALL. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	Gillette	Mansfield
Anderson	Goldwater	Martin
Barrett	Gore	McCarran
Beall	Green	McCarthy
Bennett	Griswold	McClellan
Bricker	Hayden	Millikin
Burke	Hendrickson	Monroney
Bush	Hennings	Mundt
Butler, Md.	Hickenlooper	Neely
Byrd	Hill	Pastore
Capehart	Hoey	Payne
Carlson	Holland	Potter
Case	Humphrey	Purtell
Chavez	Hunt	Robertson
Clements	Ives	Russell
Cooper	Jackson	Saltonstall
Cordon	Jenner	Schoeppel
Daniel	Johnson, Colo.	Smathers
Dirksen	Johnson, Tex.	Smith, Maine
Douglas	Kefauver	Smith, N. J.
Dworshak	Kennedy	Stennis
Eastland	Kerr	Symington
Ellender	Kilgore	Thye
Ferguson	Kuchel	Upton
Flanders	Langer	Watkins
Frear	Lehman	Welker
Fulbright	Long	Wiley
George	Magnuson	Williams
	Malone	Young

Mr. SALTONSTALL. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Pennsylvania [Mr. DUFF], and the Senator from Oregon [Mr. MORSE] are necessarily absent.

The Senator from California [Mr. KNOWLAND] is absent by leave of the Senate.

Mr. CLEMENTS. I announce that the Senators from South Carolina [Mr. JOHNSTON and Mr. MAYBANK], the Senator from North Carolina [Mr. LENNON], the Senator from Montana [Mr. MURRAY], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

The PRESIDING OFFICER (Mr. HENDRICKSON in the chair). A quorum is present.

### ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. SALTONSTALL. Mr. President, I ask unanimous consent that there may now be the customary morning hour for the transaction of routine business, under the usual 2-minute limitation on speeches.

The PRESIDING OFFICER. Without objection, it is so ordered.

### EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

#### REPORT ON NATIONAL INDUSTRIAL RESERVE

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, the sixth annual report on the National Industrial Reserve, dated April 1, 1954 (with an accompanying report); to the Committee on Armed Services.

#### REPORT OF UNITED STATES ADVISORY COMMISSION ON EDUCATIONAL EXCHANGE

A letter from the Chairman, United States Advisory Commission on Educational Exchange, transmitting, pursuant to law, the